

#35/ Applicant's  
Second Submission  
of Deposition  
Testimony  
+ Exhibits

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:

**BILL L. DAVIS and JESSE S. WILLIAMSON**

For Reissue of U. S. Patent 5,630,363  
Issued May 20, 1997  
Serial No: 08/515,097

Filing Date: May 20, 1999

Serial No.: 09/315,796

For: **COMBINED LITHOGRAPHIC/  
FLEXOGRAPHIC PRINTING  
APPARATUS AND PROCESS**

Group Art Unit: 2854

Examiner: S. Funk  
J. Hilten

RECEIVED

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TECHNOLOGY CENTER 2800

**REISSUE APPLICANTS' SECOND SUBMISSION  
OF DEPOSITION TESTIMONY - TESTIMONY OF THE PARTIES**

To: The Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

Attached hereto in an Appendix are the litigation depositions of the parties:

**For reissue applicants/litigation Defendants:**

Bill Davis, Part I, 9/20/00	(Orange) Exhibit A-1
Bill Davis, Part II, 11/17/00	(Pink) Exhibit A-2
Jesse Williamson 10/18/00	(Green) Exhibit B

**For Protestors/litigation Plaintiffs:**

Ron Rendleman 9/28/00	(Blue) Exhibit C-1
Ron Rendleman (Formerly under protective order)	(Light yellow) Exhibit C-2
Howard DeMoore 10/17/00 (Formerly under protective order)	(Yellow) Exhibit D

Protestors have withdrawn claims of confidentiality under the litigation Protective Order for the Rendleman deposition, the great bulk of the DeMoore deposition and exhibits (see Harris letter of January 17, 2001 attached), and the second part of the Bird deposition and exhibits.

09/315,796 US 1901

I.

**TESTIMONY OF WPC'S VICE-PRESIDENT BILL DAVIS**

Bill Davis is a Vice-President of Engineering of WPC (13:22) and has been employed by WPC since April 1974 (14:3). The '363 is his first patent (17:15-16)

Davis testified, as he has stated in the reissue prosecution (see **Reissue Applicants' Memorandum Concerning the Prior Art and Position on Patentability** filed April 7, 2000), that the '363 process came out of the earlier WIMS process technology of WPC. He discovered the WIMS process as follows:

"Our conception was a retractable rack back or something like a rack back device that was mounted interstation that had an anilox roller, a chamber doctor, and that would bring the anilox roller into contact with a flexographic plate on the blanket cylinder of an offset lithographic printing press unit and it would also require interstation drying."

"Q. So your design was an anilox roller upstream; is that right, sir?

"A. With a chamber doctor it needed to be retractable and needed to be able to apply coatings and be positioned against a flexographic printing plate. That was our concept.

"Q. Do you, sir, take the position that the retractable coater as illustrated in figure two, all by itself and apart from the press is your invention?

"A. That's our concept and design and it's a part of our invention. (Emphasis supplied)

Davis testified that the '363 process was conceived in early **June 1992** after Jesse Williamson's return from a trip to Germany (27:14-19; 18-29:17). Harry Bowyer is director of marketing and sales for Wolstenholme International (headquartered in Manchester, England) who makes finely distributed metal particles for use in pigments in inks (Dep. Part II, 5:24-25). Bowyer was present in Germany when Jesse Williamson had the idea of "going up front" with a flexographic step of some sort. After reissue applicants conceived their invention upon Jesse Williamson's return to the U.S., Harry Bowyer visited Dallas and the offices of WPC in October 1992, where Davis met him for the first time (91; Dep. Part II, 8:2-11).

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Davis further testified that early on (1992) he knew that simple modification of any one of a number of commercially available retractable coaters could perform the Davis-Williamson conceived process (38:14-17).

On June 12, 1994, Davis and Williamson met with PRI's Baker at a restaurant in Atlanta, Georgia and disclosed their invention in confidence to Baker, and inquired whether or not Baker would consider making the coater (39:14-19; 41:22; 52:1-2; 132:12-17; note esp. Dep. Part II, 35:1-46:23).

In a series of meetings with PRI's Baker and Bird from August 1994 to February 1995, reissue applicants Davis and Williamson explained their process details to Bird (52:17-24). At about this time, reissue applicants also explained their invention to PRI's DeMoore and Rendleman (70:4-6).

Davis testified that simulations of the invention were performed in Germany in January 1995 (Dep. Part II, 28:21-29) using a dedicated end-of-press coating tower (Dep. Part II, 31:11-12).

Davis also indicated he supervised and conducted tests at PRI in December 1994 (Dep. Part II, 63:3-68:15, Davis Exhibit 2).

In January 1995, Bill Davis and Jesse Williamson told PRI (Bird, Garner) that WPC would file an application on the process (135:5-20).

Davis testified that '363 Fig. 2 and the concept of using an adjustable retractable coater for interstation use with an anilox roller and chambered doctor was the Davis-Williamson concept (45:12-15), and that the selection of a particular mechanical approach of contacting the blanket cylinder [e.g., as Expert Taylor testified: "vertical," "horizontal," "4-bar," etc.] was up to PRI. Ultimately, the ferris wheel approach was chosen by Rendleman (105:19-23). An early *end-of-press* "short-arm" prototype ferris wheel device was delivered in February 1995 (52:17-24, 61:15-16), while the first *interstation* "long-arm" device was installed about September 1995 on the first printing unit on WPC's 6-unit triple tower (95:17).

## II.

### TESTIMONY OF WPC's PRESIDENT JESSE WILLIAMSON

Jesse Williamson, co-applicant of the '363 process and himself a multiple patentee, is President of Williamson Printing Corporation ("WPC") (5:19), one of the nation's largest and leading commercial printers, who has won at some time every award nationally offered in the printing field. WPC has 6 Heidelberg sheet-fed presses, and additionally, 2 MAN-Roland presses and 2 Heidelberg Harris web presses.

The '363 invention was conceived upon Jesse Williamson's return from Europe in late May 1992 (14:17-15:6, 55:13). He told the Germans at MAN-Roland about his idea (16:13-17:13, 47:14-48:7). On the German trip, he saw a flexo unit for the first time (54:9-14, 105:7). Upon his return, he and Davis brainstormed, and arrived at three concrete mechanical routes of performing the invention (57:13-58:1).

Williamson testified that as of 1992, WPC's existing presses were aging, and an investigation had to made of which type of presses would replace the aging equipment. He explained that the reason no equipment was installed until 1995 was that to place auxiliary equipment on old presses or remake the old presses with dedicated flexographic stations would be a waste of money (59:18-21). After a lengthy period of investigation, Kimori, MAN-Roland and Heidelberg presses were comparatively tested in May 1994 and an oral commitment to Heidelberg was made by June 1994 (64:20-24).

Williamson testified that he and Davis disclosed their invention to Steve Baker in mid-June 1994 (65:10-14, 109:15-112:4, 142:7-16). He testified that he spoke with PRI's Bird about process details "right when we [Davis and Williamson] came back from Atlanta" (159:5-6). In due course, he or Davis spoke to DeMoore, Bird and Garner about the invention in [the fall of] 1994 (66:21-25), 151:16-24), together with discussing the purchase of other PRI equipment.

The following January 1995, simulated tests of the Davis-Williamson invention were performed in German (133:5-134:23). Also in January 1995, Jesse Williamson and Bill Davis told PRI personnel – including Baker, Bird and Garner – about WPC's intent to file a process application



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on their process (168:22-169:10). On the other hand, PRI did not disclose the fact it was going to file a patent application (170:12-24, 171:6-16).

The PRI coaters cost WPC hundreds of thousands of dollars (99:16-19). In a nutshell, the PRI coaters had significant problems (99:25-100:2).

### III.

#### TESTIMONY OF PRI's CHAIRMAN HOWARD DeMOORE

Howard DeMoore is Chairman of PRI (11:4). PRI was started in Los Angeles, California (11:16-21). DeMoore moved to Dallas in 1975-1976 (12:16-21). He owns PRI outright (15:1-2). He testified that "Printing Research is Howard DeMoore [and vice-versa]. It's - there is no distinction." (44:1-3). Howard DeMoore has a tenth grade education (25:19-21).

Howard DeMoore started making his famous Super Blue™ product in March 1981 (37:4). DeMoore's name is listed on a number of U.S. Patents, however, it is DeMoore who makes the decision at PRI regarding what gets filed as a patent application (131:3). PRI has only received one award for its engineering work, in 1985 for Super Blue™ from GATF (53:1-22).

Concerning dates of conception, DeMoore testified that his colleague, Dave Douglas' (Vice-President - Overseas Sales) interrogatory answers in the litigation were false (i.e., that PRI conceived the '363 process in October/November 1994, as Douglas stated under oath (78:2-79:22, 81:2-3)). Through counsel Harris, DeMoore testified that PRI conceived of the invention on July 7, 1994 in a meeting with Dennis Griggs, John Bird, Howard Secor and Ron Rendleman (86:6-89:18). DeMoore testified about the July 7, 1994 meeting as follows:

"Well, normally what's been happening was they would put flexo down, like on the last - on the coating unit, and then after they printed the gold or whatever it was on the first printing - on the coater unit, then let it dry and then run it back through the press and over print it.

"This way with this - with my idea was you do it in one pass, you print the gold first down or whatever color you wanted, silver, opaque, white, and - because we already had the - we had infrared dryers, we had UV, we had everything. It was natural for us. We had the coating head. We are a research company, and that's what we do, develop new products, and we had everything.

"So when I came up with this idea I said, this is perfect. I said, we've got everything. Now if you could get me - put the head between printing units, we've got something. And so I commissioned Ron at that time to come up with some design to get between printing units with our flexo head, which we already had designed."

PRI waived the attorney-client privilege between prosecution attorney Griggs and PRI/DeMoore concerning the preparation of Serial No. 08/435,798 (attorney docket B6012) (99:21-101:25).

DeMoore testified he hired Steve Garner in April 1994 (19:24-20:1) as Vice-President of Sales and Manufacturing. In April, 1994, John Bird, newly acquired, was Sales Manager. PRI now has two Vice-Presidents: Dave Douglas, Vice-President of Overseas Sales and Manufacturing (23:24) and Don Manning is CFO (24:1).

DeMoore acknowledged that inclined rack-backs were old in the art, having been made by Dahlgren, Epic and Bird's old company (110:1-8). The "ferris wheel" coater made for WPC by PRI starting with the Rendleman drawings in December 1994 is the so-called "EZI". The only coaters previously manufactured by PRI were the so-called "EZ" end-of-press coaters - only four were sold, and the item was commercially unsuccessful (120:15-25). The Bird "PB" coater was made outside of PRI by a vendor (Effertz).

DeMoore admitted he does not recall telling Davis or Williamson about the '363 process (199:24-200:3). He also admitted that he never told anyone at WPC that he/PRI filed the May 4, 1995 application Serial No. 08/435,798, and he knows of no one at PRI who did (123:17-124:8).

DeMoore denies that he was told in January 1995 that Williamson would file a patent application on the '363 process (52:24).

DeMoore called as *lies* the Baker [supplemental declaration] and Bird [supplemental declaration and deposition] testimony that they had told DeMoore of the Davis-Williamson process shortly after Baker's return from Atlanta in June 1994 (150:9-25). He indicated that he had recently found Steve Baker's travel report to Atlanta and that the trip actually was in July 1994 (145:12-147:13), but that the report was "lost" although "everybody" in the PRI office had tried to find it.

Id.

IV.

RONALD RENDELMAN'S TESTIMONY

Ron Rendleman graduated with a BBA in business and a minor in engineering from the University of Texas at Arlington in 1963 (17:21-24, 18:1). He testified that he took four years of mechanical engineering classes (19:6).

Rendleman was a mechanical designer for Dahlgren in the late 1960s through 1972 (22:1-2). Rendleman designed a dampener for Dahlgren (21:19-20), and reported to who is now Defendants' expert, Jim Taylor (22:25). Rendleman left Dahlgren in January 1988 (32:9-10). He worked for a competitor, Epic, for ten months to December 1988 (34:7). He has not seen, and did not study, any of Dahlgren's retractable coater systems (29:1-17).

Rendleman went to work for PRI in January 1992, and has been there ever since (37:16-21). Prior to that time, Rendleman had no experience in metallic inks or printing inks (38:21-24) or flexographic inks in general (40:9). Rendleman heard in early 1995 (41:10) about WPC's WIMS process from PRI employees Baker and Bird.

Rendleman, since 1999, is PRI's Director of Production Control (90:24). In the critical years of the litigation and this reissue, Rendleman reported to Dave Douglas, Vice-President of Operations (91:12-19).

Rendleman's first involvement with the patent system was U.S. Patent No. 5,537,925 assigned to PRI. His contribution was a dryer head (51:23).

The linear plate blanket coater ("PB") of Bird was never actually made at PRI (74:24), but by Effertz Tool & Manufacturing. Sales of this "PB" coater at PRI started in 1993.

Rendleman recalled at July 7, 1994 meeting attended also by PRI's Secor, attorney Griggs, DeMoore and Bird (96:6-18). The July 7, 1994 meeting (not the first meeting on the "HRC" concept) centered around discussions of the so-called "Heidelberg-Rendleman Coater", or "HRC coater" - which was an end-of-press dual-head coater which could engage the blanket and/or plate cylinder (110:22-23). The "HRC" coater was first made in January 1995 (112:4). It was never sold (112:2).

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Howard DeMoore told Rendleman to make an EZI coater during the July 7, 1994 meeting (152:21-22). As Rendleman testified:

"Q. And you recall Mr. Bird testifying that in January of 1995 he was told by Jesse Williamson and Bill Davis that they were going to file a patent application on the flexo/litho combination process? Do you recall that testimony?

"A. Yes, I do.

"Q. Okay. Did Mr. Bird after that time, January of 1995, or at any time in 1995 inform you that Williamson was going to file a patent application on that process?

"A. Absolutely not. He never told me one thing. I was not aware of this until late 1997 or early '98 that I learned that Williamson got a patent on our invention.

"Q. In the amended complaint there is an allegation that in November of 1994 Bird and Garner showed representatives of with WPC flexographic samples.

"Do you have any knowledge - personal knowledge of that, Mr. DeMoore?

"A. No, I don't.

"Q. Do you have any personal knowledge about any disclosure of what you've called the Lithoflex system or the Lithoflex process to anybody at Williamson?

"A. I do not know. I don't know firsthand, no.

"Q. Okay. Does anybody at Printing Research know of any disclosure about the Lithoflex system or process to Williamson?

"A. I can't prove it, no.

"Q. When you say you can't prove it, what do you mean?

"A. John Bird had to tell them."<sup>1</sup>

Rendleman denied having meetings with Bird in the fall of 1994 (93:2).

The EZ Interstation flexographic printer/coater of the '363 patent Fig. 2 was made and constructed by WPC by PRI (163:21-24). The first EZ Interstation coater was installed in January 1995 on PRI's two-color press (126:17).

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<sup>1</sup> Bird, in his deposition, denied telling Davis and Williamson about the '363 process, but said it was the other way around via Baker's return in mid-June 1994.

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Rendleman believed that three coaters were installed by PRI at WPC, the first in May 1995 (65:5). Rendleman went to WPC, at Howard DeMoore's request, in March 1995 to get dimensions (68:13-69:1). The first EZI was installed at WPC in November 1995 (144:12). Subcontractor, Mike Ocher, did all the electrical and electrical harnessing work (172:10-11).

At the time of his deposition, Rendleman had not seen or read PRI's Complaint (210:19) or Amended Complaint (208:13). Further, Rendleman was not aware of any facts or documents which would support a claim that DeMoore was the sole actual inventor of the method of the '363 patent (211:15).

### ANALYSIS

The uncontradicted testimony of the principals shows that Davis and Williamson conceived of the '363 process upon Williamson's return from German in late May 1992, with three different mechanical options to accomplish the '363 process, and that WPC thereafter engaged in a project of replacing it aging presses which lasted until June 1994, when it entered into an oral agreement with Heidelberg to purchase a number of presses.

WPC's story is that it told Baker of the invention in an Atlanta restaurant on June 12, 1994, and has supporting testimony to this effect from former PRI employee Baker, who told his PRI boss about the invention upon Baker's return to Dallas. WPC has produced the June 12, 1994 restaurant receipt both in this proceeding and the court proceeding.

Despite travel documents and an Atlanta restaurant receipt showing that Davis and Williamson actually met with Baker on June 12, 1994, DeMoore disputes being told about the WPC invention by Baker or Bird, and indicates that Baker actually had the meeting with Davis and Williamson sometime in July 1994. He indicates in the weeks just prior to his deposition he saw Baker's expense report for July 1994 to Atlanta. However, DeMoore indicates that he has lost the recently found Baker travel expense report. *This story is simply unbelievable on its face. DeMoore is essentially admitting that he lost, in his office, original evidence, and kept no copies, critical to his case in an area where he had the burden of proof.*

03:59:05:00

DeMoore claims he came up with the invention in a meeting with counsel on July 7, 1994, and told Rendleman to make an interstation coater. Generally, oral testimony may be used to corroborate the testimony of a witness of an inventor for priority purposes, so long as it is appropriately scrutinized. Jardine v. Long, 58 F.2d 836, 837 (CCPA 1932). Such a story about a meeting with counsel is uncorroborated by any other witness brought forward by PRI other than PRI applicants DeMoore and Rendleman. The story was rejected by PRI co-applicant Bird. Rendleman and DeMoore and Bird are the alleged Serial No. 08/435,798 inventors. Some form of corroborating evidence is required in addition to the three PRI applicants' testimony. Burroughs Welcome Co. v. Barr Lab, Inc., 40 F.3d 1223, 1228 (Fed. Cir. 1994); Price v. Symske, 988 F.2d 1187, 1194-6 (Fed. Cir. 1993). If the alleged inventor's oral testimony is not corroborated, it cannot be credited. AMP, Inc. v. Fujitsu Microelectronics Inc., 853 F.Supp. 808, 821 (N.D. Pa. 1994). The testimony, were it to occur, of attorney Griggs is subject to great scrutiny. Gianladis v. Kass, 324 F.2d 322, 327-8 (CCPA 1963). Such testimony by employees/co-applicants of an adversary and their attorney are scrutinized in the law with great particularity – especially 6 years after the event. Schwartz v. Graeng, 81 F.2d 767, 778 (CCPA 1936). Moreover, there is inconsistency in what little evidence that exists. The invoice of the attorney, Dennis Griggs, indicates that an "office conference" (i.e., at Griggs office) occurred on July 7, 1994, *but the documents indicate only DeMoore and Bird and Griggs attended* (see DeMoore Dep. Exhibit 6 at PRI 01672-1673).

Despite waiving the attorney-client privilege in the attorney Griggs files (Rendleman Dep., 101:1-25, see also 99-100), PRI has never produced the attorney files for Griggs docket no. B6012 – the docket number for what became Serial No. 08/435,798 (see 1/26/01 letter of Bill Harris attached). Since PRI was in sole possession of Baker's travel expense report for the summer of 1994 to Atlanta, and since PRI was in sole possession of Griggs' attorney record for file B6012, the law infers the truth of those unproduced records is *adverse to* Protestors. Eastman Kodak Co. v. Goodyear Tire & Rubber Co., 114 F.3d 1547, 1560 (Fed. Cir. 1997); Borrer, et al. v. Herz, et al., 666 F.2d 569, 571 (CCPA 1981); Walker v. Bailey, 245 F.2d 486, 491 (CCPA 1957); Tzu Wei Chen

Food Co., Ltd. v. Chia-Chi Enterprises, Inc., 73 F.3d 379 (Fed. Cir. 1995, unpublished). Professor Wigmore states the rule as follows:

"The nonproduction of evidence that would naturally have been produced by an honest and therefore fearless claimant permits the inference that its [tenor is unfavorable to the party's cause]."

J. Wigmore, EVIDENCE §285 at p. 162 (3<sup>rd</sup> ed. 1940), as cited by Judge Tamm (concurring in part, dissenting in part) in International Union, United Automobile Aerospace and Agriculture Implement Workers of America (UAW) v. NLRB, 459 F.2d 1329, 1349 (D.C. Cir. 1972.) The reason for the rule is that the adverse party cannot properly examine the witness when there are critical documents that are withheld. See also, Day & Zimmerman Services v. United States, 38 Fed. Cl. 591, 602 (Fed. Cl. 1997). For the "adverse inference" rule to be applicable, the following must be shown:

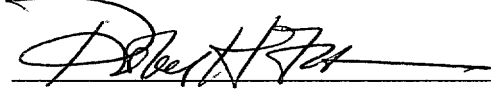
- (1) it appears that the documentary evidence exists or existed;
- (2) the suppressing party has possession or control of the evidence;
- (3) the evidence is available to the suppressing party, but not to the party seeking production; and
- (4) it appears that there has been actual suppression or withholding of evidence.

Gilbert v. Losco, Inc., 989 F.2d 399, 406 (10<sup>th</sup> Cir. 1993). All four factors exist here as to both the attorney records of Serial No. 08/435,798 and the highly relevant summer 1994 Baker travel expense account records regarding the critical trip to Atlanta.

Finally, neither DeMoore or Rendleman ever testified exactly when, let alone what, they told Davis and Williamson about the '363 process.

The facts are clear. Were the case to proceed in court or adjudicated in the PTO in an interference on this record, WPC would prevail, in all probability by summary judgment.

Respectfully submitted,



Robert H. Falk  
Reg. No. 27,877

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January 17, 2001

**VIA FACSIMILE 214-969-5941**

Robert H. Falk, Esq.  
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Re: Printing Research, Inc., et al. vs. Williamson Printing Corporation, et al. Civil  
Action No. 3:99CV1154-D

Dear Bobby:

This letter is written in response to my undertaking to review the DeMoore deposition and exhibits, and to your quite recent request that I review the Rendleman and Fiorito depositions.

The DeMoore deposition (the text and not the exhibits) is de-classified except for the following:

- Page 102, line 8 through page 103, line 24;
- Page 160, line 16 through page 161, line 21; and
- Page 181, line 6 through line 8.

Now turning to the exhibits, all are de-classified except for the following:

-Exhibits 5 and 7 remain confidential as does exhibit 6 except for the specific pages consisting of Bates Nos. PRI 01672 and PRI 01673, which are de-classified. On Exhibit 17, the names and percentage of earnings are de-classified. In other words, columns 2 and 4 should be redacted.

The Confidential Excerpt To The Videotaped Oral Deposition of Ronald Rendleman is de-classified. This consists of page 1, and pages 199 through 204.

The text of the Rendleman deposition is de-classified.

Robert H. Falk, Esq.  
January 17, 2001  
Page 2

The Rendleman exhibits are de-classified except as follows:

-Exhibit 11.

The Fiorito deposition and all exhibits thereto are de-classified.

Sincerely, —

  
William D. Harris, Jr.

WDH:ecr

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January 25, 2001

VIA FACSIMILE 214-969-5941

Mr. Robert H. Falk

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Chateau Plaza

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Dallas, Texas 75201

Re: Printing Research, Inc., et al. v. Williamson Printing Corporation, et al.; Civil  
Action No. 3:99-CV-1154-M

Dear Bobby:

This is to confirm that we have no documents at all that set up the Dennis Griggs patent application serial number 08/435,798, file B5602 and none giving input from PRI or its employees before May 4, 1995.

Sincerely,

  
William D. Harris, Jr.

WDH:ecr

TOP SECRET

## EXHIBIT A-1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PRINTING RESEARCH, INC.	X	
HOWARD W. DEMOORE and	X	
RON M. RENDLEMAN	X	
	X	CIVIL ACTION NO.
VS.	X	3-99CV1154-M
	X	
WILLIAMSON PRINTING CORP.,	X	
BILL L. DAVIS and	X	
JESSE WILLIAMSON	X	

VIDEOTAPED

ORAL DEPOSITION

OF

BILL DAVIS

September 20, 2000

ANSWERS AND VIDEOTAPED DEPOSITION OF BILL DAVIS,  
produced as a witness at the instance of the Defendant,  
being duly sworn, was taken in the above-styled and  
numbered cause on the 20th day of September, 2000, from  
10:20 a.m. to 5:12 p.m., before Christina Cheatham, a  
Certified Shorthand Reporter in and for the State of  
Texas, via machine shorthand, at the offices of Worsham,  
Forsythe, Wooldridge, L.L.P., located at 1601 Bryan  
Street, Energy Plaza, 30th Floor, in the City of Dallas,  
County of Dallas and State of Texas.

**COPY**

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## A P P E A R A N C E S

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ALSO PRESENT: Mr. Howard W. DeMoore  
Mr. Dave Douglas  
Mr. Ron Rendleman  
Mr. Dick Roach  
Mr. Jesse S. Williamson

I N D E X

WITNESS: BILL DAVIS	PAGE
Examination by Mr. Harris	13

E X H I B I T S

NO.	DESCRIPTION	PAGE
1	United States Patent 4,530,363	43
2	Joint Declaration	81
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4	Joint Declaration	111
5A	Expense Report 6-12-94 to 6-18-94 Page One	127
5B	Expense Report 6-12-94 to 6-18-94 Page Two	127

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## P R O C E E D I N G S

VIDEOGRAPHER: We're on the video record, 9-20-2000, videotaped deposition of Bill Davis. If the court reporter would administer the oath, please.

BILL DAVIS,

having been sworn to testify the truth, testified as follows:

MR. HARRIS: Mr. Davis, if you'll pardon me just a minute. I'd like to have some lawyer talk on the record with Mr. Pinkerton.

THE WITNESS: Yes, sir.

MR. HARRIS: Mr. Pinkerton, per your suggestions we have deferred the deposition tomorrow of Mr. Rendleman. I think that's appropriate enough. After all, you're the one that noticed him and you wanted to defer it.

Also, it's a fact that you did get some number, not an enormous number, but several additional documents in a third production late yesterday, and I believe your thinking was that that really wasn't a very fair deal and that you would like to do it at a later date. And you suggested either the 28th or the 29th and we have selected the 28th of this month, which is a Thursday, and that's about all on that point.

MR. PINKERTON: I agree with everything you



1 said. We believe it was a little late for the production  
2 of those documents for us to be examining Mr. Rendleman  
3 on them on Thursday, and the 28th -- February 28th for  
4 his rescheduling is fine with us, Bill.

5 MR. HARRIS: Okay. That is good.

6 MR. PINKERTON: Did I say February?  
7 September 28th. I don't get off the hook that long.

8 MR. HARRIS: What year, Mr. Pinkerton.

9 MR. PINKERTON: Let's do 2000.

10 MR. HARRIS: All right. And then there's  
11 the matter of this deposition, and I indicated to you  
12 that there were only five or six documents that we might  
13 even possibly be examining Mr. Davis about. That is  
14 documents that were newly produced yesterday.

15 MR. PINKERTON: Right.

16 MR. HARRIS: And you said, well, we could  
17 meet that as we go, and I got the idea that is something  
18 you thought unless something unusual came up we could  
19 accommodate you. Anyway, that wasn't totally expressed,  
20 but I think that was the sense of trying to work together  
21 on that being expressed.

22 MR. PINKERTON: Yeah, we just had a chance  
23 to look briefly at those documents that Steve  
24 specifically identified to us. Bill has not seen those  
25 documents prior to us having received them, and so I

1 would ask that you defer your examination on those until  
2 another date, if it's appropriate and if you do find it  
3 necessary to go into them, certainly try to do it  
4 sometime after this afternoon, and we'll try to take a  
5 look at them over the noon hour, okay, but defer it if  
6 you possibly can.

7 MR. HARRIS: Okay. We'll try to noon hour  
8 thing, and I know he has seen that printed article.

9 MR. PINKERTON: No, he has not.

10 MR. HARRIS: Is that right?

11 MR. PINKERTON: Has not seen it.

12 MR HARRIS: Well -

13 MR PINKERTON: None of these documents have  
14 been seen before. I made that statement. I stand on  
15 that statement.

16 MR. HARRIS: Well, everybody's got to stand  
17 somewhere, even if it's on the head of a pin.

18 The other point that we were talking about  
19 one day depositions, and I said, well, if we ran over we  
20 would take back up tomorrow, and you said no, I would  
21 prefer not to do that.

22 I think we came to the agreement that --  
23 and I suppose it applies to Rendleman, too. We came to  
24 the agreement that if the deposition really wasn't over,  
25 we would get it at some other day removed reasonably.

1 MR. PINKERTON: We talked before when we  
2 originally scheduled these depositions and we talked  
3 again last night --

4 MR. HARRIS: Right.

5 MR. PINKERTON: -- about taking each of  
6 these four gentleman for a day, and then after their  
7 depositions are completed, talking and seeing if you need  
8 additional time and see if I need additional time with  
9 one or any of them, and then we would make an agreement  
10 at that time as to additional time.

11 And I don't mean to say, you know, I am  
12 saying that we would accommodate your reasonable  
13 requests, and we would think that you would accommodate  
14 our reasonable requests for some kind of a specific time  
15 period, additional time that might be needed to complete  
16 the examination.

17 MR. HARRIS: How can this be fit into a  
18 single deposition, John?

19 MR. PINKERTON: Excuse me?

20 MR. HARRIS: Can we set it -- how can this  
21 be put into a single deposition? I'm just thinking about  
22 the transcript and the mechanics now.

23 MR. PINKERTON: Oh, it would just be a  
24 continuation. A continuation --

25 MR. HARRIS: Are you sure it wouldn't be a

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1 continuation in part?

2 MR. PINKERTON: Might be that. Matter of  
3 fact, I hope it would be because I hope we wouldn't go  
4 over old ground.

5 MR. HARRIS: No, I think --

6 MR. PINKERTON: Could be new matter.

7 MR. HARRIS: No, I think you're right.  
8 I'll try to go for new stuff. But I would kind of like  
9 to talk this out so we all sort of understand it. I'm  
10 glad to hear you responding, and I'm still hearing you  
11 responding that if either one of us on what you described  
12 as the big four need additional time, we'll sit down and  
13 work it out.

14 MR. PINKERTON: Exactly.

15 MR. HARRIS: And that's satisfactory with  
16 me.

17 MR. PINKERTON: Yeah, I'd like to --

18 MR. HARRIS: But the deposition, can we go  
19 ahead, then, and tentatively close it out subject to  
20 something coming up further --

21 MR. PINKERTON: Yes.

22 MR. HARRIS: -- at the end.

23 MR. PINKERTON: That would be fine.

24 MR. HARRIS: Or subject to thinking about  
25 it.

1 MR. PINKERTON: That will be the way we  
2 would end or terminate each of these depositions, each of  
3 the four.

4 MR. HARRIS: And you probably won't want  
5 any cross, but if you do you could go ahead with the  
6 cross on what had been done, and I could do the same  
7 thing, I trust.

8 MR. PINKERTON: Sure.

9 MR. HARRIS: When we came on down the line.

10 MR. PINKERTON: Right.

11 MR. HARRIS: Like we have been working on  
12 the rules, federal rules taken in accordance with the  
13 federal rules?

14 MR. PINKERTON: Right.

15 MR. HARRIS: And you recall we had --

16 MR. PINKERTON: Yes, this is federal court.  
17 And Bill, we've got one more item.

18 MR. HARRIS: I haven't finished.

19 MR. PINKERTON: I know you're going to get  
20 to it.

21 MR. HARRIS: All I'm going to say is --  
22 there's two more items. One of them, I'll finish this  
23 and say that objections are reserved until the time of  
24 trial or may be reserved until time of trial except as to  
25 the form of the question, and I believe that's what the

1 federal rules say, too.

2 MR. PINKERTON: Right. That's agreeable,  
3 and that's the way we've conducted these depositions.

4 MR. HARRIS: The next thing I do have, and  
5 I haven't brought up was this question of the 30(b)6. We  
6 had served -- is that the thing you had?

7 MR. PINKERTON: Right.

8 MR. HARRIS: We served a 30(b)6 deposition  
9 notice on you and you had a designation attached to it of  
10 certain areas for examination, and we had even set a date  
11 for it and you said, well, there is a lot of duplication  
12 we are thinking about here, and that's not necessary to  
13 do it that way.

14 I think you finally came around to saying  
15 it might be necessary to do a little something on a  
16 couple of the items.

17 MR. PINKERTON: Right.

18 MR. HARRIS: But not the bulk of the items  
19 that the witness has already said would handle the bulk  
20 of the items.

21 MR. PINKERTON: That's correct. And  
22 particularly Bill Davis and Jesse Williamson.

23 MR. HARRIS: Right.

24 MR. PINKERTON: And I would like to go  
25 through that list with you, Bill.

1 MR. HARRIS: That would be great.

2 MR. PINKERTON: Okay.

3 MR. HARRIS: Because I would like when  
4 Mr. Davis is testifying on one you have designated for  
5 Mr. Davis, it to be understood that it is a 30(b)6 item  
6 without me having to say it.

7 MR. PINKERTON: It will be his testimony  
8 and his testimony pursuant to 30(b)6 for Williamson  
9 Printing.

10 MR. HARRIS: That will work.

11 MR. PINKERTON: Okay. Let me say this,  
12 that we will object to items 12, 15, 16, 19 and 20 of the  
13 subjects for the deposition of Williamson as listed on  
14 Exhibit A for various reasons, and we'll file a formal  
15 statement of objections with respect to those items.

16 MR. HARRIS: 12, 16, 19, and 20?

17 MR. PINKERTON: You missed one. 12, 15,  
18 16, 19, and 20.

19 MR. HARRIS: Okay. Got it now.

20 MR. PINKERTON: 12, I'll just say I think  
21 is duplicative of previously stated subjects. 15 and 16,  
22 I think, go to issues that might relate to some challenge  
23 to validity of the 363 patent, and I believe that's  
24 improper because the validity of the patent is not  
25 presently an issue in this case.

1                   19 and 20 we believe are objectionable and  
2 that that's not -- those are not the proper way to get  
3 that information. Now, going back to the substantive  
4 ones, items -- item one will be Davis and Williamson.

5                   MR. HARRIS: Both?

6                   MR. PINKERTON: Both.

7                   MR. PINKERTON: Item two, Davis and  
8 Williamson. Three is Davis. Four, Davis and Williamson.  
9 Five, Davis and Williamson. Six, Davis and Williamson.  
10 Seven and eight are the two items that I identified as  
11 subjects that we are going to determine the appropriate  
12 person to designate, and we have not identified those  
13 persons yet, and we will do so.

14                   Nine is Bill Davis. 10, 11, and 12, and  
15 even though 12 is duplicative and we object to that, but  
16 10, 11, and 12 will be Davis and Williamson. 13 is  
17 Davis. 14, Davis and Williamson. 17 will be Jesse  
18 Williamson.

19                   MR. HARRIS: Did you mention 14 or did I  
20 drop it somewhere?

21                   MR. PINKERTON: Sorry if I missed it. 14  
22 is Davis and Williamson.

23                   MR. HARRIS: Okay.

24                   MR. PINKERTON: What did we get down to?  
25 18, that will be Jesse Williamson, and 19 and 20 are the



1 ones that we have objections to.

2 MR. HARRIS: I may have missed another one  
3 of your objections. I don't have anything noted for 17.

4 MR. PINKERTON: Okay. 17 was Jesse  
5 Williamson.

6 MR. HARRIS: All right.

7 MR. PINKERTON: And 17 is subject to  
8 change. That -- Jesse can provide some testimony on  
9 that. He might not have all of the details.

10 EXAMINATION

11 BY MR. HARRIS:

12 Q. Good morning, sir.

13 A. Good morning, Mr. Harris.

14 Q. Mr. Davis, would you go through the formality of  
15 putting your name on the record and your address?

16 A. I'm Bill Davis and I reside at 1126 Tipton Road  
17 in Irving, Texas. 75060 is the zip.

18 Q. Where are you employed, Mr. Davis?

19 A. I'm employed by Williamson Printing Corporation,  
20 6700 Denton Drive in Dallas, Texas.

21 Q. What is your current position or title?

22 A. I'm vice president of engineering.

23 Q. Have you held that title for some time?

24 A. Yes, sir, since about the mid '80s, since about  
25 '87.

1 Q. Am I correctly guessing that you were employed  
2 by Williamson before that?

3 A. Yes, sir, since April of 1974.

4 Q. And from whence did you come in April of '74?

5 A. I was employed by another large printer in the  
6 Dallas area. I began my career in printing in 1954 at  
7 old Crozier Tech High School very nearby here, and after  
8 a couple of years in the service I became permanently  
9 employed or fully employed in the printing industry  
10 working for a couple of small printers, this large  
11 printer firm and for about 10 years prior to coming to  
12 work at Williamson Printing Corporation.

13 Q. After the Crozier tech period -- and how long  
14 was that period, by the way? I'll just withdraw the  
15 first part. How long were you at Crozier Tech?

16 A. I graduated about '57.

17 Q. Did they give some kind of a degree or  
18 recognition on your graduation?

19 A. A high school diploma.

20 Q. Did you have the opportunity to work that, to go  
21 on for any so-called higher education?

22 A. No, sir.

23 Q. And so in '57, if you could lead me to April of  
24 '74 by employment, I'd appreciate it?

25 A. After graduation I worked about a year at a

1 nearby grocery store and then I went into the United  
2 States Coast Guard for two years and was honorably  
3 discharged in late 1960 and was employed by Kissell  
4 Printing from '60 to '61 and was employed by the Eagan  
5 Printing Company during '60 -- part of '61 and '62 into  
6 '63, and I went to work for The Riverside Press --

7 Q. Back up just a minute. Now, here's where I --  
8 in '61 to '63 with who?

9 A. I was with -- '62 to '63, I'm sorry.

10 Q. Okay. So '62 to '63?

11 A. I was with Eagan Printing.

12 Q. E-a-g --

13 A. A-n.

14 Q. -- a-n.

15 A. Yes, sir.

16 Q. All right.

17 A. And I was employed by The Riverside Press in  
18 '63, late '63, September, I think.

19 Q. And then were you there until '74?

20 A. That is correct.

21 Q. And over the period of time prior to arriving at  
22 your '74 job with Williamson Printing, what did you do in  
23 the way of work duties?

24 A. I was a pressman.

25 Q. So you came to Williamson with approximately 15

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1 years of experience as a pressman; is that right?

2 A. Yes, sir.

3 Q. And is that what you started off as at  
4 Williamson?

5 A. Yes, sir.

6 Q. And when did a change of duties and work come  
7 about at Williamson?

8 A. After a couple of years I was asked to help take  
9 care of the equipment and the facility.

10 Q. Was that the principal job at the time?

11 A. Yes, sir.

12 Q. What was involved in taking care of the  
13 equipment, if you can kind of generalize it?

14 A. Making repairs to presses and other equipment  
15 and project management when a press would be installed.

16 Q. And then were there other changes before you  
17 became vice president in the mid '80s?

18 A. The company experienced quite a bit of growth  
19 and I began to hire additional people to help me in the  
20 efforts. I was the first supervisor of maintenance, then  
21 later a maintenance manager. Prior to the mid '80s or  
22 '87, I believe, was designated as a vice president.

23 Q. That was probably the date you became vice  
24 president of engineering?

25 A. Yes, sir, that's correct.

1 Q. And did this maintenance job or heading --  
2 actually you headed up the effort at maintenance, right?

3 A. Yes, sir, that's correct.

4 Q. Did that continue until '87?

5 A. Yes.

6 Q. I think you're aware that this controversy that  
7 brings us here today does involve a patent and you're a  
8 co-patentee listed?

9 A. Yes, sir.

10 Q. Or a co-inventor listed on that patent. And I  
11 trust the patent is assigned to the company?

12 A. Yes, sir.

13 Q. How much experience have you had with getting  
14 your patents?

15 A. This patent was the first patent I was involved  
16 in getting issued.

17 Q. How much experience have you had in the design  
18 of machinery?

19 A. I have designed several belt folders for use in  
20 producing a patented product we have call PacMag. We  
21 built that in our shop. I designed a prefolder for use  
22 on one of our web presses and a handful of smaller inline  
23 finishing equipment for our web presses.

24 Q. What did you say -- designed a what for the web?

25 A. A prefolder.

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1 Q. First you mentioned belt folder.

2 A. Yes, sir.

3 Q. And then you mentioned a second thing, and I  
4 goofed that.

5 A. Yes, sir, it's a prefolder for use inline with a  
6 large -- or with a web press. This, in fact, was a half  
7 size press.

8 Q. Were you involved in some way in the development  
9 of what your company calls the WIMS process?

10 A. No, sir.

11 Q. Was that altogether Mr. Williamson?

12 A. Mr. Williamson and Gary Dowdy, I believe were  
13 involved with that.

14 Q. Would you tell me who Gary Dowdy is insofar how  
15 he fits into Williamson or how he did, if he's not there  
16 any more?

17 A. Gary was a manager at a subsidiary called  
18 Classic Color Corporation.

19 Q. And he did what there?

20 A. He was a manager.

21 Q. Do you know if he's still there?

22 A. No, sir, he is no longer employed by the  
23 corporation.

24 Q. Okay. Was there any controversy one way or the  
25 other about his leaving or did he just find something

1 else to do?

2 A. I'm not aware of that.

3 Q. Do you recall that the last three digits of what  
4 your company calls the WIMS process, the last three  
5 digits of the patent are 976?

6 A. That would be --

7 Q. I may refer to it that way sometimes or I may  
8 refer to it as WIMS, but when I refer to WIMS I mean the  
9 976 process, what's described there.

10 A. Yes, sir.

11 Q. Have you carefully read that patent?

12 A. Yes, I have.

13 Q. Have you practiced the WIMS patent?

14 A. My company has.

15 Q. When did you first practice the WIMS process?

16 A. I'm not sure about the dates because I was not  
17 involved in the concept.

18 Q. Did there come a time that you practiced the  
19 WIMS process, though?

20 A. I did not. I was not a pressman or involved in  
21 production.

22 Q. Is not the WIMS process a prepress process?

23 MR. PINKERTON: Object to form.

24 THE WITNESS: You really couldn't have the  
25 WIMS process if you didn't eventually print the film you

1 generated, and that's integrating gold and silver, gold  
2 and/or silver metallics with four-color process.

3 Q. (By Mr. Harris) I believe you're telling me  
4 that the whole thing would be useless and mean nothing if  
5 you didn't print?

6 A. Yes, sir, that's correct.

7 Q. Okay. Other than everybody realizing that, is  
8 there anything in the 976 patent, the WIMS process, that  
9 isn't prepress?

10 MR. PINKERTON: Object to form.

11 THE WITNESS: Well, it -- in the abstract I  
12 believe it calls for printing. It says and print, and  
13 that certainly involves a press.

14 Q. (By Mr. Harris) Is that what the WIMS process  
15 is about, printing as such?

16 A. Yes, sir, the product you produce is a printed  
17 product.

18 Q. Isn't in the WIMS process what you really  
19 produce is a series of, if you like photographs, from  
20 which plates are made?

21 A. Well, our customers want to buy printed  
22 products. They could care less how the film is generated  
23 or what the plates look like.

24 Q. But that's what -- I didn't let you finish,  
25 Mr. Davis, you go ahead.



1           A.    Our customers are looking for a printed product,  
2           and so you have to complete the process you must print  
3           it.

4           Q.    Now, what special steps do you take while you  
5           print this that you wouldn't take printing anything?

6                   MR. PINKERTON:   Object to form.

7                   THE WITNESS:   Well, the sequence of colors  
8           are critical.  The metallic colors being opaque in nature  
9           must be printed upstream of the process colors.

10          Q.    What type of process would a printing process  
11          would be utilized?

12          A.    Offset lithography.

13          Q.    And that would be true of all stations on this  
14          976 if one were practicing the 976, would it not?

15          A.    No, you could print it a number of ways.  You  
16          could print it letter press, flexography, graveer, as  
17          long as you print gold and silver upstream and the  
18          printed images are integrated into the four-color  
19          process, it could be printed a number of ways.

20          Q.    Do you want to withdraw your answer lithography?  
21          You answered lithography a minute ago.

22          A.    That would be the preferred way because it's the  
23          most available.

24          Q.    I see.

25          A.    Or it was --

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1 Q. If one skilled in the art -- I'm sorry. If one  
2 skilled in the art of printing read that patent and was  
3 going to try to practice the process, would he be apt to  
4 select -- most likely be apt to select the lithography  
5 process?

6 MR. PINKERTON: Object to form.

7 THE WITNESS: I suppose he might.

8 MR. PINKERTON: Counsel, let me interpose  
9 an objection to this entire line of questioning. I don't  
10 see how this is at all relevant to the issue in this  
11 lawsuit, which is inventorship of the 363 patent, not the  
12 976 patent. So I'm going to object to any further  
13 questioning along this line. It's really a waste of time  
14 and suggest that we go to relevant areas.

15 MR. HARRIS: We'll certainly try to do  
16 that. We certainly want to keep you happy.

17 MR. PINKERTON: Thanks.

18 MR. HARRIS: And we want to --

19 MR. PINKERTON: Well, it's a question of  
20 time. We're wasting time on issues that aren't in the  
21 lawsuit.

22 MR. HARRIS: Well, I believe that there is  
23 a lot of testimony, people talking about WIMS one and  
24 WIMS two and we had the WIMS process and we did that.  
25 Your position is understood thoroughly as being

1 preposterous.

2 MR. PINKERTON: Well, the objection is on  
3 the record. We think --

4 MR. HARRIS: That's fine.

5 MR. PINKERTON: -- this is irrelevant and  
6 suggest that we don't waste any more time.

7 MR. HARRIS: I object to you characterizing  
8 it as wasting time, so we both have an objection on the  
9 record. I consider that an obstruction to a pretty  
10 straightforward examination. Of course, with the  
11 background and everything, you know, if there's going to  
12 be no mention in this whole lawsuit of that patent and  
13 the so-called WIMS process, well, then I would agree with  
14 you. If we can make that agreement now that WIMS will  
15 not be mentioned.

16 MR. PINKERTON: That has nothing to do with  
17 my objection. WIMS probably will be mentioned in the  
18 lawsuit, but your questioning is directed toward an  
19 entirely different approach, not as background, but with  
20 other intentions. Those are --

21 MR. HARRIS: You don't know what my  
22 intentions are.

23 MR. PINKERTON: Got a pretty good idea.

24 MR. HARRIS: No.

25 MR. PINKERTON: Okay. In any event, it's

1 irrelevant. Your line of questioning is irrelevant and  
2 that's what we've objected to. There's nothing other  
3 than that. It's just -- it's irrelevant. We think it's  
4 a waste of time.

5 MR. HARRIS: Well, you're on the record as  
6 saying that. You have your objection.

7 MR. PINKERTON: Thank you.

8 MR. HARRIS: And I still think without  
9 being too nasty about it that it is ridiculous in the  
10 context of that. Would you like to -- I can go ahead.  
11 We have objections reserved, of course, until time of  
12 trial and I may have to -- if you want to go see the  
13 judge and stop it now, I'd love to go with you.

14 MR. PINKERTON: Well, we have a problem  
15 here because we've just got --

16 MR. HARRIS: I'd love to go with you. You  
17 want to go over there now or do you want to get on with  
18 this.

19 MR. PINKERTON: I'll do whatever you want  
20 to do, Bill. I have an objection and it's on the record,  
21 okay. We have a limited time frame for depositions  
22 nowadays. It's appropriate to not burden the parties  
23 with extra time and expense and burden this witness with  
24 unnecessary testimony. WIMS' background, you want to  
25 establish background, fine, do it and let's move on,

1     okay.

2                     This line of questioning, though, we think  
3     to belabor it is irrelevant. So the objection is on the  
4     record. I'm not instructing this witness not to answer.

5                     MR. HARRIS: I understand.

6                     MR. PINKERTON: I'm just saying we have a  
7     relevancy problem here. We have a time concern.

8                     MR. HARRIS: I've already asked him. He  
9     said ask you to stipulate that 976 is irrelevant.

10                    MR. PINKERTON: We won't stipulate to that.  
11     That's not what we're talking about here.

12                    MR. HARRIS: Well, you said that twice.

13                    MR. PINKERTON: This patent --

14                    MR. HARRIS: I have a hard time separating  
15     the line that you're drawing.

16                    MR. PINKERTON: Okay.

17                    MR. HARRIS: Well, let's see what we do.  
18     We'll go on.

19                    Q.     (By Mr. Harris) I would ask how the WIMS  
20     process is conducted, just what is it in reasonable  
21     detail?

22                    A.     Well, the first step is to create film suitable  
23     for making printing plates, and that step includes  
24     creating a gold and/or silver negative and the standard  
25     four color process negatives, black, blue, red, yellow,

1 and then making printing plates from those and printing  
2 those on a multicolor press and that comprises the WIMS  
3 process once you print those images on a sheet, and you  
4 can print gold and/or silver or both.

5 Q. Does the WIMS process as its explained in the  
6 patent, description of the patent, say anything about  
7 making the plates?

8 A. I don't recall that detail.

9 Q. You don't know either way?

10 A. I don't -- I don't know.

11 Q. And does it state anything about a preference  
12 for the type of printing news, whether it be lithography  
13 or whatever else?

14 MR. PINKERTON: Objection. Asked and  
15 answered.

16 MR. HARRIS: That's almost a good  
17 objection.

18 MR. PINKERTON: I like that one.

19 MR. HARRIS: I'm pleased to see you have a  
20 good one occasionally.

21 MR. PINKERTON: As good as the other one.

22 THE WITNESS: I don't --

23 Q. (By Mr. Harris) Don't remember?

24 A. Don't remember that. I'm not sure I've read  
25 that.

1 Q. Not sure what?

2 A. I'm not sure that I remember that from the  
3 patent.

4 Q. But you have read the patent carefully?

5 A. Yes, sir.

6 Q. When did you first read it?

7 A. I think some time in 1992. It was, as I recall,  
8 the end of the development of that and we were looking  
9 for a better way to do that and Jesse Williamson had come  
10 up with an idea for a better way to do it, and I became  
11 involved with him and we conceived the so-called 363  
12 patent at that time.

13 Q. In 1992?

14 A. In June of 1992 after Jesse returned from a trip  
15 to Germany where he saw the advantages of printing  
16 metallics and other coatings with an anilox roller using  
17 a chamber and doctor, I believe at that time. That's  
18 when we conceived the improved or we -- was called WIMS  
19 two and we later called it Litholux.

20 Q. So when did you start practicing as Litholux?

21 MR. PINKERTON: Object to form.

22 THE WITNESS: The first actual inline was  
23 done in late '95, September of '95. We did simulated  
24 reductions back in early '95, and that's to say we would  
25 run the gold or silver metallic through a press and then

1 run back through printing the process, images on top of  
2 that sheet.

3 Q. (By Mr. Harris) When is the first time you did  
4 that?

5 A. At Heidelberg, Germany on one of their  
6 demonstration presses in late January of 1995. I believe  
7 it was around the 20th.

8 Q. If I refer to that as a two-pass practice,  
9 you'll understand what I mean?

10 A. Yes, sir.

11 Q. How -- well let me be sure I understood you  
12 right to begin with. It's fair to say that what you  
13 believe as the date of conception is in 1992 is some time  
14 after Mr. Jesse Williamson returned from Germany; is that  
15 correct?

16 A. Yes, sir, that's correct.

17 Q. And what was your part in the conception?

18 A. Jesse came to me and said that he had seen  
19 demonstrated a printing of metallics at the end of a  
20 press using an anilox roller and a chamber doctor and how  
21 much more brilliant they were than printed with offset  
22 lithography. And he said how can we adapt that to our  
23 WIMS process because the gold and silver are much more  
24 brilliant than what we can print with offset lithography.

25 And he talked about the dedicated station



21           A.    We talked about it off and on for, I think a  
22   couple of weeks and sketched stuff out and sat in the  
23   conference room up front there and sketched up stuff on  
24   different pads and just discussed in general about what  
25   was available.

1 I checked at that time, as I said there was  
2 a number of manufacturers who built the rack back units  
3 that we felt could be modified for use in interstation  
4 printing and we knew we would have to have, of course,  
5 some kind of drying system because you don't have much  
6 time there from one printing to the next. You would have  
7 to have an interstation drying system.

8 We'd already tested an interstation drying  
9 system from a company in England called Technodry on our  
10 Gamori presses some time in the early '90s or late '80s  
11 we had tested that with some success. So we knew that  
12 was doable. Those were the things we needed to --

13 Q. The drying?

14 A. Yes, sir.

15 Q. You said for a couple of weeks, you mentioned  
16 some drawings or sketches is what you said. So what did  
17 you do with those?

18 A. I don't know. I don't know that we kept any of  
19 those. We felt we had the concept of modified rack back  
20 retractable with an anilox roller and that was the  
21 concept, and that was a workable concept.

22 Q. Do you have any sketches now to go back to that  
23 period?

24 A. No, sir.

25 Q. Have you looked?

1           A.    I have looked through my files and don't have  
2           anything.

3           Q.    And then let me go again as to what you did --  
4           ask you again as to what you did to follow up with this  
5           concept, if anything?

6           A.    As I recall, we obtained some prices for just  
7           end of press devices and looked over the market of what  
8           was available and who could build that equipment.

9           Q.    And what?

10          A.    Who could build that equipment, who had the --  
11          who had retractable coating devices available.

12          Q.    Sir, were you able to design that equipment?

13                   MR. PINKERTON:  Objection to form.

14                   THE WITNESS:  Well, the design was our  
15          conception.

16          Q.    (By Mr. Harris)  What?

17          A.    The design was our conception.

18          Q.    Were you able -- were you able to build what you  
19          conceived?

20          A.    We looked into doing that but decided it would  
21          be more efficient to employ someone to build our design.

22          Q.    How long did you look into it, sir?

23          A.    I guess for several months and we decided that  
24          because of the age of our existing equipment and we had a  
25          plan to renew all our presses, that we would wait until

1 we had newer equipment that was more updated, more modern  
2 and higher speeds, and we began looking for new equipment  
3 to replace all the equipment in our press room as early  
4 as '92 or '93, late '92, early '93, and culminated that  
5 by purchase -- the largest purchase of Heidelberg  
6 equipment in a single plant, I was told, that had been  
7 made in the United States.

8 We completely took out all seven of our  
9 existing presses and put in five new high speed  
10 multicolor Heidelberg presses.

11 Q. Well, they don't give those away, do they?

12 A. No, sir.

13 Q. That's Heidelberg company that's, I guess, in  
14 Heidelberg, Germany?

15 A. Yes, sir.

16 Q. That's Gootenberg country, isn't it?

17 A. Not too many miles from his home in Mines.

18 Q. Did you make any effort at all to personally  
19 either supervise the construction of the type of a device  
20 you were talking about or to do it yourself within the  
21 Williamson company?

22 A. No.

23 Q. Why, sir, is it you were looking at end of press  
24 units?

25 A. No one built an interstation device at that.

1 time.

2 Q. The concept that you've talked about, did you  
3 believe that it applied to a dedicated first-press unit?

4 A. It could have.

5 Q. Well, did it or didn't it?

6 A. There was several ways to accomplish. The most  
7 expedient practical was a retractable interstation  
8 coating device with an anilox roller.

9 Q. Was it your thought that you might buy the end  
10 of press unit and then try to modify it in house?

11 A. We considered that. That was a possibility.

12 Q. But didn't do it?

13 A. No.

14 Q. Now, is it fair to say that the primary business  
15 and the big thrust of the business for Williamson is  
16 printing, that it's a big printing company?

17 A. That is correct.

18 Q. And that it's not a mechanical engineering  
19 company as such?

20 A. We do a lot of unique products for our  
21 customers, and that's part of why we have the name we do,  
22 and so it's not unusual for us to modify or make  
23 something to satisfy the unique requirements of our  
24 customers.

25 Q. Well, that's interesting. Can you give me an

1 example or so?

2 A. Well, the built folders I mentioned prior to  
3 that.

4 Q. Uh-huh.

5 A. And --

6 Q. The prefolders for you?

7 A. The prefolder.

8 Q. What else?

9 A. Some of those other items like that, some inline  
10 devices for web presses.

11 Q. What's an inline device?

12 A. Any device that lets you perform an operation as  
13 the press is running inline.

14 Q. Well, who are you sending these things to or  
15 selling them to?

16 MR. PINKERTON: Object to form.

17 MR. HARRIS: I think I'll ask it again.

18 Q. (By Mr. Harris) What -- you mentioned customers  
19 and you were supplying things to customers, are these  
20 items you mentioned being supplied to customers?

21 A. Yes.

22 Q. All right. And what type of customers? I  
23 thought you printed.

24 A. A large number of customers.

25 Q. Well, do they --

1 A. Cigarette manufacturers, car manufacturers.

2 Q. Do they reprint after they get things from you?

3 A. No, these are -- we use these devices to produce  
4 printed products for -- unique printed products for our  
5 customers.

6 Q. But you do that in your plant, don't you?

7 A. Yes, sir, that's correct.

8 Q. And it's a special service printing job that you  
9 do, isn't it?

10 A. Yes, sir.

11 Q. And it's still fair to say that that by no means  
12 is what the mainstream of Williamson's business is. If  
13 you had to characterize it, you would characterize it as  
14 being a first-rate printing operation?

15 A. That's correct.

16 Q. What did Mr. Gary Dowdy have to do with the 976  
17 or the WIMS process while he was with Classic Color?

18 A. I'm not aware of that.

19 Q. You did mention that Mr. Dowdy worked some with  
20 or for Mr. Jesse Williamson in relation to that process,  
21 did you not?

22 A. Yes, sir.

23 Q. What was it he did?

24 A. I don't know.

25 Q. Okay. Do you know that because Mr. Williamson

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1 told you so or Mr. Dowdy told you so?

2 A. No, sir, I'm just not aware of what part he  
3 played in the patent.

4 Q. Have or has Williamson -- strike that.

5 If I mention a Ferris wheel coater  
6 interstation would you know what I was talking about,  
7 probably?

8 A. Yes, sir.

9 Q. All right. Does your company still use a Ferris  
10 wheel coater interstation?

11 A. We have two of those units on two of our  
12 multicolor presses.

13 Q. Do you have some other units, interstation units  
14 that are mounted that perform the same function as the  
15 Ferris wheel interstation units?

16 A. No.

17 Q. So those are the two -- only two interstation  
18 coaters you have?

19 A. That is correct.

20 Q. Do you use them from time to time?

21 A. Sparingly.

22 Q. But you do use them from time to time?

23 A. Yes.

24 Q. I would like to get back to whether your  
25 conception as you see it, whether your conception



1 included a dedicated station?

2 MR. PINKERTON: Object to the --

3 MR. HARRIS: Up front.

4 MR. PINKERTON: Object to the question. I  
5 think we've already been over that.

6 THE WITNESS: The final design of our  
7 conception utilized a rack back retractable or modified  
8 rack back or some type of way to place an anilox roller  
9 at the blanket cylinder of an upstream printing unit.

10 Could you do it with an upstream dedicated  
11 station, sure. Any time you put the anilox roller under  
12 a flexography plate mounted on the blanket cylinder, you  
13 can do the process.

14 Q. (By Mr. Harris) If I could hold it there, we  
15 could do it?

16 A. Yes, sir, absolutely.

17 Q. Okay. Do you know when you undertook the filing  
18 of a patent application that finally became the 363  
19 patent?

20 A. Began in January, I believe, of '95.

21 Q. Was -- firm-wise was Jones, Day your lawyers?

22 A. Yes, sir.

23 Q. And was Mr. Pinkerton the responsible lawyer on  
24 that or was some other specialized lawyer involved?

25 A. Mr. Al Hall, as I recall.

TOP SECRET

1 Q. And did you also deal with Mr. Pinkerton?

2 A. Yes, sir.

3 Q. Well, it's a fact, is it not, that you weighted  
4 from your conception in 1992 whatever date you're going  
5 to tell me, if you have an exact date, from then until  
6 that January time you just mentioned before you started  
7 the preparation of a patent application?

8 A. That's correct.

9 Q. Is it not true that only at about the time or  
10 shortly before the time of your application for the 363  
11 that you first became aware of a coater that you thought  
12 would do the job to go interstation?

13 MR. PINKERTON: Object to form.

14 THE WITNESS: There was several coaters  
15 dating back to the early '90s that would do the job. A  
16 number of coaters would do the job, as long as they  
17 employed an anilox roller with a chamber doctor.

18 Q. Why didn't you get one of them, sir?

19 A. As I stated before, we had an aging fleet of  
20 presses. We wanted to put this equipment on the newest,  
21 faster, better presses that were available, and we  
22 planned on replacing all our older machines, and that  
23 investigation into what presses to put in our press room  
24 to replace them with took precedent over any  
25 modifications to any equipment.

1 Q. Sir, is it fair to say that you're telling me  
2 that there were off-the-shelf items that would do the  
3 job?

4 A. There were coaters that were available that if  
5 they were modified to meet our concept, our design  
6 concept and mount interstation, they would do the job.

7 Q. Sir, there weren't any available that were so  
8 modified?

9 A. That is correct.

10 Q. And the first one you were aware of came from  
11 Printing Research, did it not, sir?

12 A. As we asked them to build it, yes.

13 Q. Who did you ask?

14 A. Starting back as early as mid June we talked to  
15 Steve Baker on a trip we made to Atlanta and later on to  
16 John Bird and numerous others, series of meetings we had  
17 with them stating our requirements to meet our needs for  
18 an interstation coater with anilox roller and  
19 interstation drying.

20 Q. Mr. Baker a designer?

21 A. I don't know.

22 Q. He was a salesman, wasn't he?

23 A. To my knowledge, yes.

24 Q. Mr. Bird is kind of a hybrid, wasn't he?

25 MR. PINKERTON: Object to form.

1 THE WITNESS: I don't know what you mean by  
2 hybrid.

3 Q. (By Mr. Harris) Well, he was a little bit of a  
4 salesman and he also was somewhat of a tinkerer, I  
5 believe?

6 A. I think John Bird has some patents with his name  
7 on them, yes.

8 Q. That version is about right?

9 MR. PINKERTON: Object to form.

10 THE WITNESS: Well, I -- I wouldn't call  
11 him a tinkerer. I think that would be belittling him.

12 Q. (By Mr. Harris) Well, I'm not trying to  
13 belittle him, you know, tinkerer, tailor, whatever maker.

14 MR. PINKERTON: Object to form. I guess  
15 that's not a question.

16 MR. HARRIS: That's not a question.

17 MR. PINKERTON: Good.

18 Q. (By Mr. Harris) Have you talked to Mr. Bird  
19 lately?

20 A. I visited with John Bird previously when he did  
21 the deposition here a few weeks ago.

22 Q. Before that?

23 A. I called him and asked him if he would discuss  
24 this matter with Bob Falk.

25 Q. Did you see him after that and before the

1 deposition?

2 A. I think John was -- came to town maybe once  
3 between then and the deposition, I might have -- yeah, I  
4 believe I saw him briefly.

5 Q. And just what was it that you -- you said you  
6 told Baker something and you told Bird something. What  
7 did you tell Baker and what did you tell Bird?

8 A. Well, we -- we asked if they could modify a  
9 retractable or rack back coating device they had, which  
10 used an anilox roller for interstation use and could they  
11 build an interstation drying system to go with that.

12 Q. And they -- they were kind of in the middle of  
13 an interstation drying system for you anyway, then,  
14 weren't they, or getting to that point?

15 A. On the new equipment they had quoted a  
16 substantial amount of drying equipment, both end of press  
17 and interstation.

18 Q. Let's go to the steakhouse in Atlanta. What's  
19 its name?

20 A. Martin's Steakhouse.

21 Q. Good. When were you there?

22 A. Mid June, I believe the 12th was the date.

23 Q. And that's the first time that you are aware of  
24 that you feel you mentioned something about this concept  
25 to PRI; is that true?

1 A. Yes.

2 Q. And so what specifically at that time did you  
3 tell Baker?

4 A. We said that to improve a previous process we  
5 had a patent for we needed to print flexography upstream  
6 of lithography on one of our multicolored presses. And  
7 to do that we needed a retractable coating printer --  
8 coater printer device that used an anilox roller and  
9 would be easily placed against the blanket cylinder of an  
10 offset lithographic printing unit and would -- could  
11 transfer coatings and various materials there to the  
12 substraigh from that flexographic plate.

13 Q. Mr. Davis, was that all you told him about this  
14 subject? I don't mean about some other --

15 A. Well, and the fact that we had to have  
16 interstation drive, which we had literature from Printing  
17 Research talking about their plate blanket coater and  
18 interstation drying systems and various other systems  
19 they had available to us. They were -- we were there  
20 because they were trying to sell us some of their  
21 equipment.

22 Q. And go back to my question. Excepting or not  
23 including the interstation dryers and any other equipment  
24 outside of the scope of printing improvement, is that all  
25 you told Mr. Baker?

1 MR. PINKERTON: Objection to form.

2 THE WITNESS: I guess that's all I recall.

3 Q. (By Mr. Harris) That's all you are ever  
4 required to testify to is what you recall. I don't like  
5 witnesses who testify things -- to things they don't  
6 remember.

7 MR. PINKERTON: Bill, while you're  
8 thinking, why don't we take a short break. We have been  
9 going about an hour or so. Is that appropriate?

10 MR. HARRIS: Okay.

11 VIDEOGRAPHER: We're off the video record,  
12 10:35, tape one.

13 (Recess taken)

14 VIDEOGRAPHER: We're on the video record,  
15 10:57, tape one.

16 (Deposition Exhibit 1 marked)

17 Q. (By Mr. Harris) Would you look at the document,  
18 please, that has been marked Davis 1. For the record,  
19 would you identify what it is, please?

20 A. A copy of the so-called 363 patent.

21 Q. 363 being an abbreviation?

22 A. Yes, sir.

23 Q. Referring to patent 5,630,363?

24 A. Yes, sir.

25 Q. Showing yourself and Mr. Williamson as an

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1 inventor?

2 A. That's correct.

3 Q. Mr. Jesse Williamson?

4 A. Yes, sir.

5 Q. And looking at the front, generally what kind of  
6 press is shown?

7 A. Appears to be a Heidelberg Speedmaster.

8 Q. And how is that configured, generally?

9 A. Appears to be five printing units and a  
10 downstream dedicated tower coater with extension  
11 delivery.

12 Q. Now, 54, the unit marked 54 by numerals in the  
13 lead line, is that the coater?

14 A. No, sir, that's the feeder.

15 Q. That's the feeder.

16 A. That's correct.

17 Q. And so which way does the sheet pass through?

18 A. If you started at 54, the sheet would end its  
19 trip through the press at number 68 in the delivery of  
20 the press.

21 Q. And so it's shown here interstation between, I'm  
22 sorry, the unit we were discussing previously, the  
23 retractable unit or whatever you might call it, is shown  
24 here mounted on 56 between 56 and 58; is that true?

25 A. Yes, that's true.



Q. Now, why is another unit shown in dotted lines on 58?

A. We wanted to be able to print any of the interstation locations on a press.

Q. And that is for the purpose of showing it could go other places?

A. Yes, sir, that's correct.

Q. Now, by talking about it could we turn over to figure two on the second sheet?

A. Uh-huh.

Q. What -- what is figure two, what does it show?

A. That shows Jesse and I's design concept for an interstation retractable coating unit with an anilox roller and even depicts the interstation drying here, item number 50 as shown there.

Q. You did the actual design on the unit that's identified in figure two as number 43?

MR. PINKERTON: Object to form.

THE WITNESS: Well, that's our design concept, that system there.

Q. (By Mr. Harris) Is it your design, though? Is that your mechanical design?

A. The details of how it was put together was left up to Printing Research.

Q. 43 is said in column six to be a coater

1 apparatus with a coater head 44 and that is -- that is  
2 the so-called Ferris wheel coater, is it not?

3 A. Yes.

4 Q. And you don't -- when you get down to the  
5 specific design, you don't claim to have designed the  
6 Ferris wheel coater, do you?

7 MR. PINKERTON: Object to form.

8 THE WITNESS: Not the detail of how this  
9 was put together, no.

10 Q. (By Mr. Harris) The Ferris wheel movement, sir,  
11 did you design that?

12 A. Not that detailed, no.

13 Q. What is 48? Can you tell me what it is, just  
14 looking at it?

15 A. It looks to be a lever.

16 Q. What is it for?

17 MR. PINKERTON: Objection. Form. Counsel,  
18 I think --

19 THE WITNESS: I'm not sure.

20 MR. PINKERTON: Is describing the path  
21 probably the best thing to do --

22 MR. HARRIS: I'm examining this witness and  
23 I'm getting tired of you taking my time.

24 MR. PINKERTON: I am not taking your time.  
25 I'm making an objection --

1 MR. HARRIS: Okay. Well, make your  
2 objection. You don't have to say why in great detail.

3 MR. PINKERTON: You're the one who's  
4 wasting our time, and the objection is on the record.

5 MR. HARRIS: Naughty. Naughty.

6 THE WITNESS: 48, to your question, is  
7 described in the patent as a pivotal connection that  
8 connects the coater head with the remainder of the  
9 assembly.

10 Q. (By Mr. Harris) Do you know who drew figure  
11 two?

12 MR. PINKERTON: Object to form.

13 THE WITNESS: I believe --

14 MR. HARRIS: What is the form that's wrong  
15 about that? That's an absolutely direct question.  
16 That's what I'm talking about, about the waste.

17 MR. PINKERTON: It's an objection to form.  
18 It's a vague -- vague, general, and indefinite question.

19 MR. HARRIS: Oh, it's not.

20 THE WITNESS: Al Hall or one of his  
21 associates drew figure two.

22 Q. (By Mr. Harris) What did he have to go by?

23 A. He had a simplistic drawing that I had received  
24 from Printing Research that didn't have much detail in  
25 it, and he has placed the detail, the anilox roller and

1 various other items.

2 Q. (By Mr. Harris) Have you been able to determine  
3 a date that you had what you called your concept in 1962?

4 MR. PINKERTON: Objection, Bill. 1992?

5 MR. HARRIS: Yeah, 1992. I'll go with that  
6 one.

7 Q. (By Mr. Harris) 1992?

8 A. I would have to say about the second week of  
9 June of that year. By that time we had done all of the  
10 brainstorming and thought processes we needed to come up  
11 with that design conception.

12 Q. What persons could witness this other than you  
13 and Jesse Williamson?

14 A. I don't know.

15 Q. Do you remember anybody who was present when you  
16 made the sketches you spoke of?

17 A. No, I don't.

18 Q. Consider the year 1993, what actions did you  
19 take in 1993 on this project furthering the conception,  
20 if any?

21 A. I think other than to look at devices that were  
22 available, albeit end of press devices that were  
23 available that we thought could be modified, I think  
24 we -- that probably was the only action taken.

25 Q. Do you have any drawings or letters or

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Q. (By Mr. Harris) -- 1993? I'll never make it.

MR. PINKERTON: Let me just state for the record in terms of documents we produced you documents, and so the time frame is covered in the documents that we produced. What specifically is there, as far as dates, he might not be able to recall, but the documents are all there.

MR. PINKERTON: That's counsel's testimony. I'm stating that for the record. We have produced the documents that we're aware of.

I just want to be certain that you don't recall having seen in recent years any kind of a document that relates to this concept or the furtherance of doing something into this concept in 1993?

Q. Sir, I'm asking you if you have seen them or recall seeing them within recent time?

1           A.    I believe so, that we had looked at some. I  
2 think we, in fact, got some proposals from Printing  
3 Research for various pieces of equipment that they  
4 manufacture.

5           Q.    In 1963 --

6           A.    '93.

7           Q.    It's hopeless. In 1993?

8           A.    Yes, sir.

9           Q.    Anybody else?

10          A.    I had -- there were some brochures from Dolwin  
11 Manufacturing, from I believe IBC, I believe Oxidrive  
12 built a unit at that time. There was a handful of people  
13 we were looking at.

14          Q.    These were basically end of press units, right?

15          A.    That's correct, that we considered could be  
16 modified.

17          Q.    Are you telling me that sitting there now you  
18 can't testify firmly that you did such things in '63 --  
19 or that you don't remember for sure what you did in '63  
20 or you just don't know when you made your contacts  
21 exactly?

22                   MR. PINKERTON: Object to form.

23                   THE WITNESS: I'm not sure --

24          Q.    (By Mr. Harris) I have repeatedly said '63, I  
25 mean '93.

1           A.    I'm not sure, but I know we did get some  
2 literature and information from several manufacturers in  
3 that time frame, yes, we did.

4           Q.    What time frame?

5           A.    In 1993.

6           Q.    I thought you would say '63. I understand '93  
7 is your --

8           A.    Yes, sir.

9           Q.    Referring to the literature that you just  
10 mentioned, Mr. Davis, did you tell one or more of those  
11 submitting the literature to you that you wanted to go  
12 interstage?

13          A.    No, we didn't.

14          Q.    Was there some reason, sir?

15          A.    We weren't ready to go with an interstation, our  
16 concepted device, until we had replaced the equipment in  
17 our press room, and we weren't about to put new auxiliary  
18 equipment on our aging fleet of printing presses at that  
19 time. That's why we held off and waited until we shopped  
20 that equipment, got proposals, tested presses, and then  
21 purchased the equipment ultimately in 1994.

22          Q.    At the time in the steakhouse in Atlanta with  
23 Mr. Baker did you ask Mr. Baker to keep the information  
24 you were telling him in confidence?

25          A.    I believe we did in that to keep it confidential

1 to his company, I believe, I think we did ask him to --  
2 that it was confidential.

3 Q. To what other persons before Mr. Baker do you  
4 recall making a disclosure of your concept?

5 A. I don't recall who we might have spoke to, I  
6 don't have a recollection of that.

7 Q. When did you make a disclosure, if at all, to  
8 Mr. Bird?

9 A. After our trip back from Atlanta, I think in  
10 probably July or August. We were out of the country part  
11 of July, so I guess it may have been in August.

12 Q. Did you draw any sketches for Mr. Bird?

13 A. I don't recall doing so.

14 Q. Did he draw any sketches?

15 A. Don't believe so.

16 Q. Was Mr. Baker present?

17 A. Yes, he was. There was a series of meetings  
18 from August on through until, I believe early '95 where  
19 this topic was discussed with those two gentleman and  
20 others at Printing Research.

21 Q. Were you working with them on this project?

22 A. We were instructing them what we wanted them to  
23 build for us. We had a concept design and we wanted them  
24 to put that together and build the apparatus necessary.

25 Q. Did you ever speak with Mr. DeMoore on this



1 project, on this matter?

2 A. I believe so.

3 Q. When?

4 A. I can't recall. There was a series of several  
5 meetings and different people were in and out of those  
6 meetings. I don't recall specifically all of the people  
7 involved. I know that Bird and Baker were definitely  
8 involved from a sales standpoint.

9 Q. Do you have any documentation of the Baker  
10 meeting or any documentation of -- well, do one at a  
11 time. Do you have any documentation of the Baker  
12 meeting?

13 MR. PINKERTON: Baker meeting?

14 Q. (By Mr. Harris) In Atlanta at the steakhouse?

15 A. We have an expense report from Jesse Williamson.  
16 He bought the meal that night.

17 Q. Did somebody draw the concept on the back of the  
18 bill?

19 A. Unfortunately, I guess not, I don't know. I  
20 don't think so.

21 Q. Okay. Do you have any documentation of any kind  
22 of the meeting with Mr. Bird and Mr. Baker that took  
23 place after that, the one you just described?

24 A. Well, there was a series of meetings, and I  
25 believe Mr. Bird had a daytimer that he had some records

FOOTNOTES

1 of a series of meetings that we had at Williamson to  
2 discuss this and other equipment needs that we had.

3 Q. How do you know he has such a daytimer?

4 A. I believe I said in the deposition that he  
5 presented those.

6 Q. He what?

7 A. I said in a deposition where he presented his  
8 daytimer records of the meetings that I'm talking about.

9 Q. Did you otherwise know that he kept any kind of  
10 record?

11 A. I don't believe so, no.

12 Q. Are those the only records you have for the  
13 early meetings with Mr. Bird?

14 MR. PINKERTON: Object to form with regard  
15 to early meetings. Are you talking about this whole time  
16 period, Bill, August to --

17 MR. HARRIS: August to the first of the  
18 year.

19 MR. PINKERTON: Okay. That is what he is  
20 talking about.

21 THE WITNESS: I think there might have been  
22 some letters passed back and forth. Either way, I can't  
23 recall exact dates, but I think we did have some  
24 correspondence, but I'm not sure.

25 Q. (By Mr. Harris) Let me try again on this one.

1 I don't think I made it crisp before. Why did you wait  
2 so long -- or take long out and say, why did you wait  
3 from June more or less of '92 until about January of '95  
4 to undertake the seeking of patent protection?

5 A. Well, I guess the decision was that we didn't  
6 want to put auxiliary equipment on our aging fleet of  
7 presses. We didn't want to put any new auxiliary coaters  
8 on equipment that was going to be replaced. We weren't  
9 sure when we would culminate that purchase of those  
10 presses, and so with capital equipment the decision was  
11 to hold up until we had a new press -- a pressroom full  
12 of new presses that would be more suitable for putting  
13 the auxiliary equipment on.

14 Q. When did you acquire the presses?

15 A. We made an agreement to purchase the new presses  
16 in, I believe July or August, some time mid 1994.

17 Q. From Heidelberg?

18 A. Yes, sir.

19 Q. Did you also purchase other presses?

20 A. No, sir.

21 Q. Have you purchased presses since then?

22 A. Yes, sir.

23 Q. You mentioned having a number of presses. I  
24 don't know whether it was six or seven earlier in your  
25 testimony, correct?

1 A. Yes, sir.

2 Q. How many?

3 A. We had seven.

4 Q. Are those all new presses now?

5 A. We replaced the seven with five new presses. In  
6 '98 we removed three of those and put in three new  
7 presses over a period of '98 and '99, and we are adding a  
8 sixth press at this time.

9 Q. Did you ever design a coater yourself?

10 A. No.

11 Q. Do you know if the expense report has been  
12 produced for the Baker trip? That is -- I call it the  
13 Baker trip, it was the trip to Atlanta where you met with  
14 Baker at the steakhouse?

15 A. To my knowledge it has not.

16 MR. HARRIS: We would like to request that,  
17 please.

18 MR. PINKERTON: We will produce that. I  
19 think it went on Jesse Williamson's charge card, so  
20 you'll have it for Jesse's deposition for sure.

21 Q. (By Mr. Harris) Is it your testimony, then,  
22 that it all boils down to you trying to save getting a  
23 patent, a patent application on something you might never  
24 use, was that it?

25 A. No, we certainly plan to use the invention.

1 Q. Was it not so that you had to wait a  
2 considerable period of time from when you got the press  
3 or presses until you had a unit to do a final test on and  
4 to do production on?

5 MR. PINKERTON: Object to form.

6 THE WITNESS: I didn't understand the  
7 question.

8 Q. (By Mr. Harris) How long was it -- well, when  
9 was your first press delivered from Heidelberg to your  
10 order?

11 A. September of '94.

12 Q. September of '94. Was it one that was suitable  
13 for an interstage coater?

14 A. Yes, it was.

15 Q. So any time from September of '94 on, you could  
16 have placed a coater on a unit of yours, a press unit, if  
17 you'd cared to, an interstation coater between the first  
18 and second units?

19 A. That's correct.

20 Q. But as a matter of fact, it was almost a year  
21 after that or more than a year after that before you were  
22 able to get a coater that could be tested or operated  
23 between the first and second units?

24 MR. PINKERTON: Object to form.

25 THE WITNESS: Our choice for a press to put

1 it on was based on the number three press coming in,  
2 unique capability down stream and it already -- it was in  
3 the plan to have an interstation drawing system on it for  
4 sure because of the unique capabilities of that press.

5 Q. (By Mr. Harris) You are telling me you used  
6 another press other than the one that came in in  
7 September of '94, you used another press for the  
8 interstation coater; is that right?

9 A. That is correct.

10 Q. And when did it come in, this other press?

11 A. It started up in March of '95.

12 Q. But the other unit could have been used to do  
13 the test work and so on, correct, could have been?

14 A. For interstation.

15 Q. For interstation?

16 A. Yes.

17 Q. Do you recall that Printing Research delivered  
18 both a short and a long arm coater to you?

19 A. Yes, I do.

20 Q. And I probably call -- I'll probably call the  
21 long arm and the short arm by another name if I can come  
22 up with it because those confuse me. Which was the one  
23 that was finally mounted interstation?

24 A. The long arm device.

25 Q. All right. So if I call that the interstation

1 unit you would know the one I was talking about?

2 A. Sure.

3 Q. And the short arm was not mounted in an  
4 interstation sense, was it?

5 A. That's correct.

6 Q. Could you explain to me, sir, what the purpose  
7 of the short arm device was?

8 A. It was a very manually operated prototype  
9 equipment, and we were told by Printing Research it would  
10 be best to have it at the end of the press so it would be  
11 easy to work on because it was really a developmental  
12 device and a lot of work was required to tweak and get it  
13 to perform at the end of the press.

14 Q. Were any tests run on it after it was installed  
15 on the printing unit with it installed?

16 A. Yes, sir.

17 Q. Would you describe, please?

18 A. We did tests almost immediately after the unit  
19 was installed in the form of a demonstration to some  
20 people from Europe, members of the printing trade press  
21 corp came and our friends in Wolstenholme who make  
22 coatings was there and did a -- did a simulated  
23 reduction, that is a two-pass method of doing our WIMS  
24 process.

25 That took place, I think, right at the

1 first of March of 1995, seems like the dates on that  
2 letter, I think was about the 4th, maybe the 4th. 3rd  
3 or 4th.

4 Q. Is that what you described earlier as the first  
5 two-pass experiment or a job that you had run?

6 A. I believe so, yes.

7 MR. PINKERTON: Counsel, let me state for  
8 the record, that's going to result in an inconsistency.  
9 That's contra to his previous testimony, and I think he's  
10 confused on that point, if you want to clarify it.

11 THE WITNESS: The first done under our  
12 roof. That was the first two-pass process we did at  
13 Williamson Printing. I thought you meant on that coater.

14 Q. (By Mr. Harris) But that's also the first one  
15 you did at Williamson?

16 A. That is correct.

17 Q. Now, you testified to something, I believe,  
18 about Heidelberg, too?

19 A. Yes, sir.

20 Q. And that was probably what counsel confused you  
21 about being confused on.

22 A. You were discussing the short arm device. I  
23 thought you were --

24 MR. HARRIS: No, I'm talking to him now,  
25 not you. I understand you.



1 MR. PINKERTON: If you were asking about  
2 with that short arm device, that's fine. I thought you  
3 were talking about any two-pass simulation, Bill.

4 Q. (By Mr. Harris) Well, I think that was done by  
5 you?

6 A. That's correct.

7 Q. As you regard at Williamson. March 4, '95,  
8 still a good date?

9 A. Yes.

10 Q. Where was the other one accomplished, the  
11 Heidelberg?

12 A. It was done in Heidelberg, Germany in mid to  
13 late 1995.

14 Q. Wait a minute, mid to late 1995?

15 A. Excuse me, mid to late January of '95. I  
16 think --

17 Q. You're getting my '63 fever now.

18 A. It's catching. About the 20th, I believe.

19 Q. Who ran the coater in the March two-pass that  
20 you described?

21 A. The coater operation we were assisted -- our  
22 pressman was assisted by, I believe, Terry Britton from  
23 Printing Research.

24 Q. Isn't it fair to say that if you want to focus  
25 on the coater, isn't it fair to say that Terry Britton

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1 ran the coater?

2 A. Terry Britton and I believe Steve Person were  
3 both training our operators on the operation of the  
4 coater.

5 Q. So they were actively involved?

6 A. That's correct.

7 Q. What kind of a product did you get out of this  
8 March '95 demonstration?

9 A. It was a good result.

10 Q. Was it something done with a showing to the  
11 public in mind or more specifically like a showing at  
12 DRUPA?

13 MR. PINKERTON: Object to form.

14 THE WITNESS: We were showing the press  
15 corp from Europe initially a demonstration of WIMS for  
16 our supplier partner, Wolstenholme, showing the use of  
17 the WIMS process with conventional offset lithography,  
18 and then as a little bit of a final demonstration there,  
19 we showed what could be done when you employed flexo  
20 using that process with flexography involved.

21 Q. (By Mr. Harris) Was any of the product utilized  
22 to every show -- show ever after or any time after?

23 A. I don't recall that, no. I'm sure we saved  
24 samples. We always do, I think, not always but  
25 sometimes, you know, until the samples run out, so we

1 probably saved some samples.

2 Q. Do you recall seeing your product brought over  
3 by John Bird and/or Baker that was a single pass coating  
4 made by flexo on the last unit some time in 1994? Do you  
5 want that read back?

6 A. I vaguely remember some something printed on a  
7 heavy board stock or something like that, I believe.

8 Q. It would be, I think a white, I don't have great  
9 knowledge on it, but a white material or a gold or  
10 silver?

11 A. Yes, I barely remember that, but I think I  
12 remember that.

13 Q. Do you remember Bird or Baker in connection with  
14 it?

15 A. I believe so.

16 Q. And was there anybody else that was connected  
17 with it?

18 MR. PINKERTON: Objection to form.

19 THE WITNESS: I don't recall.

20 Q. (By Mr. Harris) Were you -- can you put a date  
21 on when you saw this thing that you remember rather  
22 dimly?

23 A. No, I can't.

24 Q. If I ask you to choose between '94 and '95,  
25 could you do so?

1 A. I would say late '94.

2 Q. You heard the Bird deposition about Rexham and  
3 about Lapamarta, do you recall?

4 A. Yes, sir, I do.

5 Q. Do you know anything about that Rexham test?

6 A. No, sir, I don't.

7 Q. It wasn't done at your instigation, was it?

8 A. No, sir.

9 Q. It wasn't done at your company's instigation, to  
10 your knowledge, was it?

11 A. No.

12 Q. Do you know Lapamarta?

13 A. No, sir, I don't.

14 Q. Was the Bird deposition the first time you had  
15 heard his name?

16 A. I believe so. I think so.

17 Q. Do you know who was involved in the dealings  
18 that culminated in three interstation Ferris wheel type  
19 devices being delivered to Williamson?

20 A. Myself and Jesse Williamson, I believe pressroom  
21 manager Jim Johnson, and I'm not sure who else.

22 Q. As you recall it, what was the deal from a  
23 dollar and cents point of view?

24 MR. PINKERTON: I object to form, Bill.  
25 Again, you are talking about the deal between Williamson

1 and Printing Research for the purchase of those machines?

2 MR. HARRIS: That's right.

3 MR. PINKERTON: Okay.

4 THE WITNESS: I believe we had a deal where  
5 the first coater was installed at no charge, the second  
6 at half, and the third at full price, so you got three  
7 coaters for the price of one and a half coaters is what  
8 it amounted to.

9 Q. (By Mr. Harris) Can you tell me if you know the  
10 rationale for you getting a free coater and a half price  
11 coater?

12 A. Well, one of the issues was with the supplier of  
13 press equipment, Heidelberg. They really didn't want to  
14 put any of Printing Research's equipment on their  
15 presses. Their drying systems were also handled that  
16 way, and they -- I think that Printing Research was  
17 trying to get us to try the equipment, give us some  
18 incentives to try their equipment.

19 Q. Was Heidelberg their competitor?

20 A. No, they're a press manufacturer.

21 Q. What was the interest in keeping Printing  
22 Research away, then?

23 A. They have certain suppliers of choice. For  
24 drying systems typically it would be graphics and IST and  
25 they prefer to use the German suppliers. That connection

1 goes all of the way back to Germany, I suppose.

2 Q. What about coaters?

3 A. I think the objection there was just -- it was  
4 somewhat of an innovative location for it and there was  
5 already a coater at the end of the press, that's as I  
6 recall. I don't -- they just during the warranty period  
7 they would prefer that you not put anything outside the  
8 ordinary on their equipment.

9 Q. Was that discussed between you or the group of  
10 you from Williamson and whoever you were dealing with  
11 from Printing Research?

12 A. I believe it was.

13 Q. And you said, well, if you'll pay us enough  
14 money -- or I beg your pardon, I'm backward. If you'll  
15 sell it cheap enough or make a good enough deal, we'll  
16 take some kind of a risk? I don't understand what the  
17 risk was you were taking.

18 A. I don't know that we said if you'll build it  
19 cheap enough, but I think Printing Research is the one  
20 that offered the incentive to purchase the equipment.

21 Q. May be, I don't know. Do you know?

22 A. I don't recall.

23 Q. Have you bought any more coaters from them,  
24 interstation coaters?

25 A. From Printing Research?

1 Q. Yes.

2 A. No, we haven't.

3 Q. You said you still had two. Where did you get  
4 them?

5 A. The two that we have are part of the original  
6 three.

7 Q. So you still have them and are using them some  
8 after five or four years -- four or five years; is that  
9 right?

10 A. That's right.

11 Q. And you haven't gone elsewhere to get an  
12 interstation coater?

13 A. No.

14 Q. Does anyone have an off-the-shelf item that they  
15 can sell to you to accomplish that purpose, that is the  
16 interstation coating in the manner we have described,  
17 except for Printing Research?

18 A. I'm not aware of any.

19 Q. Who represented Printing Research in the  
20 dealings?

21 MR. PINKERTON: Again, Bill, object to  
22 form. Are you talking about the dealings again on  
23 purchase of the interstation coaters?

24 MR. HARRIS: Thank you. That's a really  
25 good clarification.

1 THE WITNESS: I believe Mr. DeMoore and  
2 John Bird and Steve Garner, I think were involved.

3 Q. (By Mr. Harris) Did the deal materialize out of  
4 Bird or somebody else bringing a deal that involved a  
5 free coater if PRI could use the coater or provide the  
6 coater and use it on the press?

7 MR. PINKERTON: Object to form. Vague and  
8 ambiguous.

9 Q. (By Mr. Harris) Do you want me to try again?

10 A. I don't recall how that -- why don't you restate  
11 your question.

12 Q. Okay. What I'm trying to find out is if --  
13 okay. What I'm trying to find out is if some kind of a  
14 trade was made between the companies such that PRI would  
15 be permitted to try out the coater on the equipment, the  
16 multi unit or color equipment with an interstation  
17 coater, if the coater were supplied free?

18 A. I think it was our understanding that there  
19 would be some developmental time necessary because it was  
20 a new device, a unique mounting of a coater, but I don't  
21 recall any specifics or any details of those or how that  
22 was done.

23 Q. Are you telling me that may have been, but if so  
24 it was general?

25 MR. PINKERTON: Object to form.



1 THE WITNESS: I just don't recall how it  
2 came about.

3 MR. HARRIS: I have been advised that it's  
4 tape time.

5 VIDEOGRAPHER: We're off the video record,  
6 11:48, tape one.

7 (Lunch recess)

8 VIDEOGRAPHER: We're on the video record  
9 1:39, tape two.

10 Q. (By Mr. Harris) As to your conception of the  
11 363, as you see it, did you tell anyone at PRI or  
12 Printing Research other than Bird and Baker about your  
13 conception, and if so, when did you first do so?

14 MR. PINKERTON: I think we've already had  
15 some testimony on that, Bill, but I'll let him go ahead  
16 and answer again.

17 MR. HARRIS: The life of the law is  
18 repetition.

19 THE WITNESS: I believe we may have told  
20 Steve Garner also.

21 Q. (By Mr. Harris) Anybody else?

22 A. I don't recall.

23 Q. When do you think you may have told Steve  
24 Garner?

25 A. Some time in our meetings in 1994, I guess

1 after -- I'd say after August at some point. There were  
2 others that we --

3 Q. Well, what others?

4 A. We had to have discussed it with people who were  
5 in those meetings, probably Howard DeMoore, Ron  
6 Rendleman, I think.

7 Q. When?

8 A. I don't know. I know Mr. Rendleman came into  
9 the plant to measure the pressroom and our new equipment  
10 for fitting the device we had asked them to build on to  
11 the press. So that's probably late '94 or early '95.

12 Q. Who else?

13 A. At Printing Research, that's all I can recall  
14 right now.

15 Q. That reminds me to ask you the question of who  
16 else did you tell that wasn't in your own company or in  
17 Printing Research either?

18 A. Well, our supplier of coatings, a fellow named  
19 Harry Bowyer, B-o-w-y-e-r, from Wolstenholme in  
20 Manchester, England. We had talked to him about that  
21 because --

22 Q. Harry who?

23 A. Bowyer, B-o-w-y-e-r. We had talked to Harry  
24 about that. He had been with Jesse in Europe and had  
25 seen the demonstration of the anilox roller, and I

1 believe in the fall of '92 he came over and we  
2 discussed -- he was keen on making special coatings for  
3 us with large particle sizes of metal and then to be able  
4 to produce a more brilliant product.

5 Q. Well, what did you tell him?

6 A. We told him about our invention, the  
7 flexographic printing upstream of lithography and the way  
8 we'd do it, a retractable device, chamber doctor, anilox  
9 roller, interstation drying, told him about what we had  
10 in mind. I'm sure we talked to Gary Dowdy, because I  
11 remember him being excited about the fact that we had  
12 come up with a way to improve the WIMS process, which he  
13 was intricately involved in.

14 Q. When did you talk to Gary Dowdy?

15 A. Some time in the summer of 1992, I believe.

16 Q. When did he leave the company?

17 A. It was several years after that. I don't recall  
18 the exact timing.

19 Q. So he was still with the company?

20 A. Yes, sir.

21 Q. I had asked for those that weren't with the  
22 company, but I'll take it. I am correct, reading you  
23 correct, am I not, that Gary Dowdy was still with your  
24 company at the time that you made this --

25 A. Yes, sir.

1 Q. -- disclosure to him?

2 A. Yes, sir.

3 Q. Did you have other discussions with him after he  
4 left the company?

5 A. I don't recall seeing Gary but a couple of times  
6 since he left.

7 Q. Is the answer then no?

8 A. Yes, sir.

9 Q. Anyone else?

10 A. That's all I can think of.

11 Q. When was Howard DeMoore told?

12 A. Had to be in the fall of '94 in the meetings we  
13 had -- he and John Bird and Steve Garner and myself and  
14 Jesse in some of those series of meetings we discussed at  
15 length what our requirements were to do our process.

16 Q. And what were those requirements that you  
17 stated?

18 A. Well, we needed a retractable coater that had an  
19 anilox roller and chamber doctor and we needed to be able  
20 to present that roller to the blanket cylinder of an  
21 offset lithographic printing press unit and it needed to  
22 be capable of handling different coatings and  
23 flexographic inks, needed to be able to apply those with  
24 anilox roller to a flexographic printing plate, we needed  
25 interstation drying. We talked about the ability to

1 change the roller easily and quickly. That was -- would  
2 be of benefit.

3 Q. What else?

4 A. That's all I can think of right now. We talked  
5 at length about the process and how it worked and why we  
6 were doing this to get a heavier volume of ink or coating  
7 in an upstream location flexographically before the  
8 lithographic printing units on a multicolor press.

9 Q. So you in effect say that you stated that it had  
10 to be retractable but also implied, I guess, from what  
11 you told me, that it had to be capable of being  
12 retractable from an interstation location?

13 A. That's correct.

14 Q. You didn't say that?

15 A. Okay. Left that one out, sorry.

16 Q. When did you tell Harry Bowyer?

17 A. Harry came to our plant, I believe, in the fall  
18 of '92, some time that fall and visited us. I believe he  
19 had a technician with him also, and I can't remember  
20 whether it was -- he had a fellow named, believe it or  
21 not, Ronald McDonald, and he had a fellow named Mike  
22 Yates, and one or the other of those guys, I believe, was  
23 with him and, like I said, he was interested in making  
24 some coatings for us.

25 He had worked with us before on developing

1 improved metallic lithographic inks, and he was  
2 interested in doing the coatings for our -- to make our  
3 process work.

4 Q. What did you tell him besides your process?  
5 What did you ask him to do, if anything?

6 A. I suppose discussions were that when you have a  
7 coating that we can try out, we would like you send us  
8 samples of it for trial.

9 Q. But you didn't have the interstation type of the  
10 line, how could you try it out?

11 A. When we had that capability.

12 Q. Well, did he keep up with you over the years?

13 A. Sure does, yes.

14 Q. He did up until you had something?

15 A. We have a relationship, and as I stated before  
16 he had worked with Jesse and our company to improve the  
17 metallic lithographic printing inks and we had  
18 communication back and forth on occasion.

19 Q. And you still do?

20 A. Yes, sir.

21 Q. And you did in 1993?

22 A. Yes, sir.

23 Q. And you talked some more about this in 1993?

24 A. I'm sure we did.

25 Q. What does I'm sure we did mean? Does it mean

1 you're dead sure or does it mean I don't know for  
2 absolute sure, but it's logical that we did? What do you  
3 mean by it?

4 MR. PINKERTON: Object to the form of the  
5 question.

6 THE WITNESS: Mr. Bowyer visited our plant  
7 approximately twice a year to talk about technical things  
8 do with the lithographic and the new lithographic  
9 flexographic process after we talked about our invention  
10 to him in '92 and we discussed where we were with the  
11 development of the equipment to do that and when we would  
12 have equipment on our floor to do that process.

13 Q. (By Mr. Harris) And what did you tell him in  
14 '93?

15 A. That we were shopping for presses and that we  
16 didn't have the capability to print flexographically at  
17 that time, but we were working on it and that we would  
18 soon add new presses and we would have a device to do  
19 that process, our new process.

20 Q. Could you explain to me the reasoning behind not  
21 using one of the old presses as something to prove out  
22 your invention?

23 A. Well, I think we just didn't want to put a lot  
24 of time and investment in equipment in some rather old  
25 tired presses, and when we knew we were going to change

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1 those out and that was, I think, part of our reasoning.

2 Q. Was there some reason that the old presses  
3 couldn't be used in this manner if they had this proper  
4 retractable interstation device?

5 A. I don't know of a specific reason other than --

6 Q. Do you know of a general reason?

7 A. -- other than the presses were worn and didn't  
8 operate as efficiently as the new more automated  
9 equipment would.

10 Q. You were putting out a good product to the  
11 public, weren't you?

12 A. At that time our product was acceptable.

13 Q. You just have to tell me as to the possibility  
14 of taking a retractable unit and transferring it from one  
15 press to another?

16 A. Is that doable?

17 Q. Yes.

18 A. That's doable, yes.

19 Q. So it would have been possible to take a  
20 retractable unit off of one of those old worn down  
21 presses and put it on one of your new Heidelberg?

22 A. It would be possible, yes. Of course, we were  
23 looking at considerable investment and the fact is that  
24 the new auxiliary equipment we purchased was financed by  
25 Heidelberg, so that was an incentive to wait until the



1 new equipment came in also.

2 Q. Do you know Bob Emrick?

3 A. Yes, sir.

4 Q. Where does he work?

5 A. He was vice president of manufacturing at  
6 Williamson Printing.

7 Q. And where is he now?

8 A. He's with McCord printing.

9 Q. You have described on a couple of occasions what  
10 your conception was -- of what yours and Mr. Williamson's  
11 conception was?

12 A. Yes, sir.

13 Q. Is that a description in reasonable detail, is  
14 that what it is? I need to know what you believe the  
15 conception was.

16 A. I believe so.

17 Q. Okay. If you believe so, tell me, and I'll try  
18 one more time on it.

19 MR. PINKERTON: Counsel, we've already  
20 tried at least two or three times. I object --

21 MR. HARRIS: It's an important part.

22 MR. PINKERTON: I'm going to object for the  
23 record that it's a waste of time. It's been asked and  
24 answered, redundant and time consuming. Could you ask  
25 him a specific question?

1 MR. HARRIS: I did. I asked him a detailed  
2 statement of what the conception was.

3 MR. PINKERTON: Okay.

4 MR. HARRIS: I'm not sure that I've ever  
5 said detailed before.

6 THE WITNESS: Our conception was a  
7 retractable rack back or something like a rack back  
8 device that was mounted interstation that had an anilox  
9 roller, a chamber doctor, and that would bring the anilox  
10 roller into contact with a flexographic plate on the  
11 blanket cylinder of an offset lithographic printing press  
12 unit and it would also require interstation drying.

13 Q. (By Mr. Harris) You think that's it?

14 MR. PINKERTON: Object for the record.  
15 Again, it's -- he's testified about it twice. He's given  
16 details all of those times. The previous testimony will  
17 speak, as well as that testimony.

18 I think -- I want to object to the  
19 question. It's unclear. You want Jesse Williamson's  
20 contributions or you want Bill's contributions? There's  
21 details of all that that he's already testified about.  
22 Do you want it all again?

23 MR. HARRIS: Uh-huh. What I did was put  
24 together their names, and I'm not trying to attribute one  
25 thing to one and one thing to the other in this

1 statement, and I'm just trying to find out what the  
2 conception is and the statement would detail, reasonable  
3 detail, of what the conception is.

4 MR. PINKERTON: Again, it's already been  
5 asked and answered.

6 MR. HARRIS: Well, I think it has. All I  
7 did then is say is there anything else.

8 MR. PINKERTON: Well, you got a shorthand  
9 version this time. He's given you lengthy descriptions  
10 before, and as the day goes on, things get shorter. So  
11 you keep going back and back and back. And he can  
12 finally say, you know, well, I conceived the invention of  
13 the 363 patent. Do you want him to say that?

14 MR. HARRIS: Do what?

15 MR. PINKERTON: Conceived the invention of  
16 the 363 patent.

17 MR. HARRIS: Do you want to coach your  
18 witness on the record?

19 MR. PINKERTON: No, I don't want to at all.  
20 I'm just saying --

21 MR. HARRIS: I'm ashamed of you.

22 MR. PINKERTON: Well, don't be ashamed.  
23 I'm just saying --

24 MR. HARRIS: Well, you are coaching your  
25 witness on the record.

1 MR. PINKERTON: No, I'm not. You --

2 MR. HARRIS: Yes, you are.

3 MR. PINKERTON: -- keep asking questions  
4 over and over again.

5 MR. HARRIS: Yes, you are.

6 MR. PINKERTON: No, I'm not.

7 MR. HARRIS: Yes, you are.

8 MR. PINKERTON: No, I'm not.

9 MR. HARRIS: Yes, you are.

10 MR. PINKERTON: We beg to differ, and my  
11 objection is on the record. Go ahead, Counsel.

12 MR. HARRIS: I intend to.

13 MR. PINKERTON: I know you will.

14 MR. HARRIS: And please don't coach the  
15 witness. As a matter of fact, I'm not sure it's a good  
16 answer.

17 MR. PINKERTON: I don't think I'm coaching  
18 him at all.

19 MR. HARRIS: Well, why did you say do you  
20 want him to say so and so? Are you saying --

21 MR. PINKERTON: I'm just saying by the time  
22 you ask a question five times, okay, a witness kind of  
23 gets tired of answering you.

24 MR. HARRIS: I could have asked him nine  
25 times while you are asking.

1 Q. (By Mr. Harris) Was there anything you wanted  
2 to add to what you stated?

3 A. I think that was just the best way we conceived  
4 that it could be done, although we recognized there was  
5 other methods. You could have used a dedicated station  
6 or some other way to bolt on a coating head to the  
7 printing unit, but this seemed to be the best way and the  
8 most workable in light of what was available at that time  
9 to us.

10 Q. I believe you are through now, aren't you?

11 A. Yes, sir.

12 (Deposition Exhibit 2 marked)

13 Q. (By Mr. Harris) What's in front of you now has  
14 been marked Exhibit 2. It also bears identification or  
15 Bates numbers W000768 through W000799. Could you, after  
16 you look it over a bit, would you identify it for me,  
17 please?

18 MR. HARRIS: Mr. Falk, did these have tabs  
19 at one time?

20 MR. FALK: I believe they did, just  
21 Exhibits 1, 2, 3, or whatever is mentioned in the  
22 declaration. I don't have a copy here in front of me.

23 MR. HARRIS: We may have another one here,  
24 but I, of course, wouldn't be --

25 MR. FALK: I'm looking upside down, but it

1 appears as though it's got exhibits to it, so it has  
2 whatever was attached to -- was mentioned in here.

3 MR. PINKERTON: The exhibit isn't tabbed  
4 with exhibit numbers, I think, is what counsel is saying.

5 MR. HARRIS: I'm sorry.

6 MR. PINKERTON: You're just saying that the  
7 exhibit we have, Exhibit 2 here, doesn't have tabs?

8 MR. HARRIS: It doesn't have tabs and I  
9 think we have seen this once before, but it doesn't have  
10 exhibit numbers, either, marked on it.

11 MR. PINKERTON: Right.

12 MR. HARRIS: And that makes it a little  
13 fumbled, but fumble we will.

14 MR. PINKERTON: Well, I guess, what, there  
15 are seven exhibits?

16 MR. HARRIS: Why don't we worry about them  
17 as we come to them, if at all.

18 MR. PINKERTON: Okay.

19 MR. HARRIS: Sufficient of the day is the  
20 evil thereof.

21 MR. PINKERTON: We'll deal with it when we  
22 have to.

23 Q. (By Mr. Harris) Tell me when you have inspected  
24 it.

25 A. This first part of this exhibit is a joint

1 declaration by myself and Jesse Williamson filed in --  
2 for the reissue of our 363 patent on May the 20th, 1999.

3 Q. When was the last time you looked over that  
4 besides just now?

5 A. I looked over it yesterday or the day before, I  
6 believe, in looking through the documents pertinent to  
7 this matter.

8 Q. Were you working with counsel?

9 A. I was.

10 Q. Both the gentlemen here or just one of them?

11 A. Both from time to time.

12 Q. Have you made one or two or three trips to  
13 Washington to try to get this reissue?

14 A. Just the one.

15 Q. Are you sure you haven't made two?

16 A. That I made, yes, sir, just one.

17 Q. Did you read this declaration at the time you  
18 signed it?

19 A. Yes, sir.

20 Q. Did you read it carefully?

21 A. As carefully as I could.

22 Q. Did it seem correct to you?

23 A. At the time I think it did.

24 Q. Did it seem haphazard in any way to you?

25 A. We put this document together in a big hurry and

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1 later issued a supplemental to correct some of the  
2 incorrect dates and a few other items in the original.

3 Q. Did it seem haphazard to you?

4 MR. PINKERTON: Object to the form of the  
5 question.

6 THE WITNESS: I don't know that it was  
7 haphazard.

8 Q. (By Mr. Harris) At the time did it seem right  
9 and complete?

10 A. I believe so.

11 Q. I would like to go over some of it with you  
12 because I know you did make some changes later.

13 A. Sure.

14 Q. It was about June of 1994 that you ordered from  
15 Heidelberg, was it not, or was it?

16 A. I think it was a little later than that,  
17 probably July or August.

18 Q. Okay. Was that information available to you at  
19 this time?

20 MR. PINKERTON: Objection.

21 Q. (By Mr. Harris) At the time of this  
22 declaration?

23 A. There was documents that would have probably  
24 indicated those dates.

25 Q. Did the installation of the seven-color press



1 occur in October of '94?

2 A. I think the press came in in September and was  
3 started up some time that month, late, late September  
4 because we say approximately October, so --

5 Q. And before that time did petitioners and  
6 Williamson Printing -- Williamson Printing researched and  
7 observed flexographic printing coating systems offered by  
8 several companies, including Printing Research?

9 A. Yes, we did.

10 Q. Could you describe in what manner that before  
11 that time, approximately October of 1994, that the  
12 petitioners, Williamson Printing, researched and observed  
13 flexographic printing and coating systems offered by  
14 several companies, including Printing Research, and  
15 specifically focus on Printing Research?

16 MR. PINKERTON: Object to the form of the  
17 question, and also previously asked and answered.

18 THE WITNESS: I believe we observed some of  
19 this equipment being operated at various trade shows over  
20 the period prior to '94.

21 Q. By Printing Research? Look at your sentence,  
22 sir, please, and just parse it out focusing on the before  
23 the stated date. If you researched and observed  
24 flexographic printing coating by Printing Research?

25 A. We received proposals from Printing Research for

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1 the coating systems they offered prior to this.

2 Q. Flexographic printing coating?

3 A. Well, a coating system by true in nature can be  
4 flexographic, depending on the plate, the printing plate  
5 that's used.

6 Q. Well, then what is your answer? Is that what  
7 you meant?

8 A. That we had -- just as we stated here, we had  
9 researched and observed some systems by other  
10 manufacturers. I think we received literature and  
11 proposals from Printing Research.

12 Q. What did they propose?

13 A. The installation of a rack back coating the  
14 end-of-press coating device.

15 Q. Do you think that happened in '94 or '93 or  
16 when?

17 A. Over those time periods at various trade shows  
18 locally and nationally.

19 Q. In approximately -- you say in approximately  
20 October or November of '94 Printing Research demonstrated  
21 to petitioner its end of press anilox coating system  
22 known as the plate blanket coater. This system was  
23 demonstrated using flexographic blanks, inks, coatings  
24 and slurries; is that correct?

25 A. I think that we later found documentation that a

1 test took place in December of '94.

2 Q. Can you tell me what the source of your October  
3 and November of 1994 statement is in that sentence?

4 A. I believe just going by recollection I still  
5 believe we were in their plant in October or November,  
6 but I know that for sure we did an official test of  
7 materials in December.

8 Q. What were you doing in there in October and  
9 November?

10 A. To look at their plate blanket coater.

11 Q. Did you watch it flexographic print coat while  
12 you were in there or just look at the equipment?

13 A. Until we did the test in December, I don't  
14 remember whether we saw an actual demonstration or just  
15 met with Printing Research to discuss their equipment.

16 Q. Well, the demonstration was won by Printing  
17 Research, correct?

18 A. The demonstration --

19 Q. It says so at the last line; is that true?

20 MR. PINKERTON: The last line on?

21 MR. HARRIS: The last line on paragraph one  
22 of page one, 768.

23 MR. PINKERTON: Okay. Mr. Davis, are you  
24 focusing on that line?

25 THE WITNESS: Yes, just a demonstration of

1 what it would do, not a test, which is what we were  
2 looking for.

3 Q. (By Mr. Harris) So now you say that that's a  
4 correct statement; is that right, in approximately  
5 October or November?

6 A. I just remember a test that we directed and sent  
7 protocol over for over in December for sure. I'm not --

8 Q. That would be a more of a certain sort of  
9 testimony; is that right?

10 A. Well, it would be based on some documents we  
11 found where we had sent a test protocol to Printing  
12 Research to do a test of materials.

13 Q. Do you remember that that test was done partly  
14 with the so-called Rexham plates?

15 A. I believe there was -- I'm not sure whether we  
16 used their plates or not. I know I sent over at least  
17 three or four flexographic plates, some coatings from  
18 Wolstenholme, and I believe we used some coatings that  
19 they had on hand, too, made by Eckhart, sent over a lot  
20 of paper.

21 Q. Is -- going to paragraph number three, jump  
22 number two, in approximately December of 1994 petitioners  
23 requested Printing Research to design and install on the  
24 tower coater at the end of Williamson's printings  
25 seven-color press an experimental flexographic printer

1 coater having an anilox roller. Are you familiar with  
2 that statement?

3 A. I'm reading it now. We actually were asking for  
4 an interstation --

5 MR. PINKERTON: Wait a minute. Let him ask  
6 you a question, Bill. He hasn't asked you a question  
7 yet.

8 Q. (By Mr. Harris) First of all, is that correct  
9 what is stated in that sentence?

10 A. We actually -- no, we were actually asking for  
11 an interstation device. It wasn't an end-of-press.

12 Q. And who did you ask to design such a  
13 flexographic printer coater?

14 A. We didn't ask them to design, we asked them to  
15 build one.

16 Q. Well, doesn't it say to design and install?

17 A. Well, the design would just be the details of a  
18 mechanism to retract the device.

19 Q. Have you ever been a mechanical designer, sir?

20 A. No, sir, I have not.

21 Q. So three should properly read a little  
22 differently; is that right?

23 MR. PINKERTON: Well, the first sentence of  
24 paragraph three is what we've focused on so far, Counsel.

25 MR. HARRIS: Yeah.

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1 MR. PINKERTON: Then that's what you're  
2 talking about?

3 MR. HARRIS: Just the first sentence.  
4 Fight one tiger at a time.

5 THE WITNESS: What was the question again,  
6 please?

7 MR. PINKERTON: Should it read differently.

8 Q. (By Mr. Harris) Read the first sentence to  
9 yourself, if you would, please, sir.

10 A. We asked them to build actually an interstation,  
11 not an end-of-press device.

12 Q. And you asked them to design and install; is  
13 that the correct language?

14 MR. PINKERTON: Objection to form. He has  
15 already testified about that.

16 THE WITNESS: We asked them to build the  
17 device.

18 Q. (By Mr. Harris) Did what?

19 A. We asked them to build a device that would meet  
20 our requirements to do our process.

21 Q. Well, then you would recant the term design and  
22 replace it with the term build; is that right?

23 A. Manufacture.

24 Q. Is that right, sir?

25 MR. PINKERTON: I'm going to object to the

1 form of the question about rewriting. The sentence -- he  
2 has already testified about having to change it.

3 Q. (By Mr. Harris) Is that right, sir?

4 MR. PINKERTON: Object to the form.

5 THE WITNESS: We asked them to build or  
6 manufacture the device for an interstation.

7 Q. (By Mr. Harris) I want to know if -- you told  
8 me three is not correct because you really were talking  
9 about an interstation, correct, that's true, isn't it?

10 A. That's true.

11 Q. And the second thing I'm asking then, is the  
12 design also incorrect and should it just be build?

13 A. Build or manufacture.

14 Q. Okay. The next sentence starting this  
15 experimental printer -- well, I'll just read it. Coater  
16 was different from the plate blanket coater shown in  
17 figure one of Exhibit 1 and it was installed on the  
18 downstream side of the tower coater at the end of the  
19 seven-color press. Now, sir, that is true, isn't it?

20 A. Printing Research wanted to build an  
21 end-of-press coater because it was expedient to do so, to  
22 work through. It was a very manual device and required a  
23 lot of refinement and it was easier to get to to work on  
24 at the end of press. That was their choice.

25 Q. And it's true, isn't it, sir, it didn't cost you

EXHIBIT 1

1 anything?

2 A. To my knowledge. It cost us thousands and  
3 thousands of dollars worth of hours we lost on press time  
4 trying to help them perfect this mechanism.

5 Q. Well, is it fair to say that they provided the  
6 coater and you provided the press?

7 A. I guess so.

8 MR. PINKERTON: Object to form.

9 Q. (By Mr. Harris) Is January of '95 the correct  
10 date for when this experimental printer coater was  
11 tested?

12 A. The actual date, I believe was the end of  
13 February.

14 Q. Do you know where the January date came from?

15 MR. PINKERTON: Object to the form. The  
16 document says approximately January of 1995.

17 THE WITNESS: I think we -- at the time I  
18 thought that was the date. After looking up some  
19 documents, we discovered it was not.

20 Q. (By Mr. Harris) But that time you were just  
21 working out of your head?

22 A. That is correct.

23 Q. And Mr. Williamson, as far as you know, was  
24 doing the same. He wasn't looking at documents either?

25 A. As far as I know.



1 Q. In the designation LYL, which I understand to be  
2 a coater assembly or combination, what does the Y stand  
3 for? Educate me, please.

4 A. It designates -- the Germans say LYL  
5 lacquerwork, meaning a coater and Y, they grunt that, and  
6 I don't know what they mean, but it means a drying stub,  
7 and then the L -- the last L is for another lacquerwork  
8 or coater.

9 Q. Thank you.

10 MR. PINKERTON: Did you get educated?

11 MR. HARRIS: Yeah.

12 MR. PINKERTON: I like that.

13 MR. HARRIS: It's better than my Oklahoma  
14 English.

15 Q. (By Mr. Harris) Is it true that the triple  
16 tower press, the LYL, arrived in approximately February?

17 A. I think it might have been March. I -- we  
18 didn't start the press up until March, I believe. I  
19 believe that's correct.

20 Q. Again, was that one of those best of your  
21 recollection without papers things?

22 A. I think so, yes, sir.

23 Q. Going to paragraph five may I read, in  
24 approximately late January or early February of 1995  
25 petitioners requested Printing Research to design and

1 install on the first printing station of the triple tower  
2 press a flexographic printer coater like the experimental  
3 printer coater installed on the seven-color press.

4 Now, sir, would you read that to yourself,  
5 if necessary, look at it carefully, and tell me if it is  
6 literally correct, as far as you know?

7 A. Well, again we didn't ask them to design. We  
8 asked them to build or manufacture and we wanted an  
9 interstation device.

10 Q. Well, does that particular sentence say anything  
11 one way or another about an interstation device except  
12 for saying the first printing station of the triple  
13 tower?

14 MR. PINKERTON: Object to the form.

15 THE WITNESS: Well, it would be implied  
16 that if it was between two printing units it would be in  
17 the interstation device, if it doesn't say that.

18 Q. (By Mr. Harris) I'm really looking for a little  
19 guidance this time, sure enough. The triple tower --  
20 I'll just asked this way. Did you really want it on the  
21 first unit of the triple tower?

22 A. The first printing unit, yes, sir.

23 Q. Okay. The first printing station, right, I'm  
24 with you now of the triple tower press. My confusion is  
25 the triple tower is at the rear, and -- but you took that

1 for the name of the press?

2 A. What was that again?

3 Q. The triple tower is at the rear of the line.

4 A. Yes, sir, that's correct.

5 Q. What do you think the date was on that?

6 MR. PINKERTON: Object to the form. In  
7 regard to that?

8 Q. (By Mr. Harris) Referring to five in the first  
9 sentence, I'm just trying to get the best dates you've  
10 got.

11 MR. PINKERTON: Object to the form.

12 THE WITNESS: It says this unit was  
13 installed on the seven-color press approximately mid  
14 March, but we installed the experimental unit on the  
15 seven-color press tower coater in late February. We  
16 didn't install an interstation device until about  
17 September of '95 on the first printing unit of the triple  
18 tower press.

19 Q. This statement, of course, is a serious sort of  
20 thing you make, and I would think you took it seriously.  
21 Bearing that it was a sworn sort of thing, to what do you  
22 attribute the mistake between mid March and -- what did  
23 you say, September?

24 A. I think like the next sentence down here says to  
25 the best of our recollection we were doing this from

1 memory in a real hurry to meet a deadline or a reissue  
2 declaration document.

3 Q. I don't see that. I must be missing it.

4 A. The next sentence --

5 MR. PINKERTON: Object to the form.

6 Q. (By Mr. Harris) Where is it?

7 A. About two sentences down from mid March '95.

8 Q. I am somewhat humbled to say you must help me  
9 find it. Tell me, please, where it is.

10 MR. PINKERTON: I want to object to the  
11 form. I don't understand when you are asking him to hunt  
12 for something. He answered a question as to why there  
13 was some clarifications needed and then you're asking --  
14 are you asking him to find something?

15 MR. HARRIS: Yeah, I thought he said there  
16 was something on the face of this document that explained  
17 that this was being done real fast.

18 Q. (By Mr. Harris) Did you say that?

19 A. No, sir, I said in the middle of paragraph five  
20 we just said about another matter that to the best of our  
21 recollection, and that was the case here. We didn't have  
22 time to research all of the documents and pin the dates  
23 down exactly.

24 Q. All right. I'm not disbelieving that, but I do  
25 want to ask you why you didn't have the time.

1 A. Time constraints.

2 Q. Is it time constraints at work? You had too  
3 much work to do or was it something about the patent or  
4 what?

5 A. We were under a deadline to follow the reissue  
6 document within the two year limitation.

7 Q. Sir, I see these are signed 5 and 20, '99. Do  
8 you remember when that two-year limitation was up?

9 A. I think it was that day, I believe.

10 Q. When did the patent issue? I have it here in  
11 front of me somewhere.

12 A. It was '97, May the 20th, 1997.

13 Q. He was getting a little close. As a matter of  
14 interest, I think that's the day this lawsuit was filed.

15 MR. PINKERTON: As a matter of fact, a lot  
16 of things happened on May the 20th, 1999.

17 Q. (By Mr. Harris) Could you state what  
18 specifications or plans or blueprints, if any, did you  
19 give to Printing Research for them to follow in order for  
20 them to build or manufacture an interstation  
21 flexographic -- I'm sorry, flexographic printer coater?

22 MR. PINKERTON: Object to the form. It's a  
23 compound question, specifications and drawings.

24 MR. HARRIS: Well, fine.

25 Q. (By Mr. Harris) Your counsel has got a good

1 point. What specifications did you give to Printing  
2 Research for them to follow in order to build or  
3 manufacture an interstation flexographic printer coater?

4 A. We verbally told them about our process and all  
5 of the various requirements that would be necessary to  
6 accomplish that process.

7 Q. Nothing on paper or in writing?

8 A. No, sir.

9 Q. What plans did you give to Printing Research for  
10 them to follow in order to build or manufacture an  
11 interstation flexographic printer coater?

12 MR. PINKERTON: Object to form. Are you  
13 talking about written or oral?

14 MR. HARRIS: See what happens.

15 MR. PINKERTON: Object to the form.

16 MR. HARRIS: Quit coaching the witness.

17 MR. PINKERTON: I'm not coaching. I'm  
18 objecting to the form of the question. It's vague,  
19 unless you tell him --

20 MR. HARRIS: You are coaching the witness.

21 THE WITNESS: We didn't pass any written  
22 plans on to Printing Research.

23 Q. (By Mr. Harris) What blueprints did you give to  
24 Printing Research for them to follow in order to build or  
25 manufacture an interstation flexographic printer coater?

1 A. We didn't pass on any blueprints.

2 Q. Was it Mr. Falk you worked with on the reissue?

3 A. Yes, sir.

4 Q. When, sir, did you start the task of putting  
5 something together and with a relation to the reissue?

6 A. I believe it was about a week prior to the 20th,  
7 I think.

8 Q. Who contacted you for that purpose?

9 A. Who contacted me?

10 Q. Yes.

11 A. I think we contacted John. Jesse and I  
12 contacted John and talked about doing a reissue, and I  
13 think John called us back and said he had something to  
14 work with on the reissue.

15 Q. Were you aware of that two-year rule for  
16 approving the issue yourself?

17 A. Sure.

18 Q. How did you become aware?

19 MR. PINKERTON: Object to attorney-client  
20 communications, but -- I don't want to waive the  
21 privilege, so --

22 MR. HARRIS: I'm not trying to get you to  
23 waive.

24 MR. PINKERTON: I know you're not. I'm  
25 just trying to --

1 MR. FALK: Off the record.

2 (Discussion off the record)

3 VIDEOGRAPHER: Off the video record, 2:38,  
4 tape two.

5 (Recess taken)

6 VIDEOGRAPHER: We're on the video record,  
7 2:54, tape two.

8 Q. (By Mr. Harris) Would you turn to paragraph six  
9 on page three of Exhibit 2. I would like to direct your  
10 attention to the reference to figure two of the U.S.  
11 patent 363, last three digits. We looked at that, I  
12 believe, a minute ago, right?

13 A. Yes, sir.

14 Q. And we agreed that it was an effort to show the  
15 coater obtained from Printing Research, true?

16 MR. PINKERTON: Object to the form of the  
17 question as trying to characterize the previous  
18 testimony.

19 Q. (By Mr. Harris) True?

20 A. It was an apparatus that was built for us by  
21 Printing Research.

22 Q. That's what's shown in Exhibit 2, right?

23 A. Yes.

24 MR. PINKERTON: Objection, already asked  
25 and answered.



1 Q. (By Mr. Harris) If you'll look it says here  
2 again -- well, it says the last sentence of that  
3 paragraph reflects a custom made interstation printer  
4 coater designed at the request of petitioners for a  
5 petitioners method. Is designed to suggest that it was  
6 designed by your company or is design to suggest that it  
7 was merely designed by somebody else but at your request?

8 A. Well, the design concept here is depicted in  
9 figure two and we asked Printing Research to build that  
10 for us.

11 Q. Well --

12 A. So that's our design and our concept.

13 Q. Do we not have a chicken and the egg problem  
14 here? Where did the sketch come from in figure two, sir?

15 A. From a crude drawing provided by Printing  
16 Research.

17 Q. And did you ask them to make that crude drawing?

18 A. I don't believe so. I don't recall.

19 Q. Isn't it fair to say, sir, that the design work  
20 is such, whether or not you requested it, the design work  
21 was done by Printing Research?

22 MR. PINKERTON: Object to the form.

23 Q. (By Mr. Harris) I'm talking about for the  
24 color?

25 A. Well, we asked them to build an apparatus so

1 that we could do our process and the design was ours to  
2 place a coater and interstation location to the blanket  
3 cylinder of a press.

4 Q. Who did you ask?

5 A. The people we mentioned earlier, Steve Baker,  
6 John Bird, and various others that attended meetings  
7 throughout the fall of 1994.

8 Q. Did you tell them or anyone else at PRI that you  
9 were using the material from their brochure in order to  
10 illustrate an item and a patent application you were  
11 filing?

12 MR. PINKERTON: Object to the form.

13 THE WITNESS: I don't recall whether we did  
14 or didn't. I don't recall.

15 Q. (By Mr. Harris) How do you define the term  
16 design?

17 A. Design is when you conceive an idea and come up  
18 with a workable concept.

19 Q. Well, how do you know it's a workable concept?

20 A. I think by what you have observed it -- that  
21 works in the past with us, we knew when an anilox roller  
22 was placed against a flexographic printing plate and a  
23 cylinder in a press that that worked to get the coating  
24 or inks on a sheet of paper to do what we wanted to do,  
25 and just moving that operation upstream what was we feel

1 was unique about our process.

2 Q. So your design was an anilox roller upstream; is  
3 that right, sir?

4 A. With a chamber doctor it needed to be  
5 retractable and needed to be able to apply coatings and  
6 be positioned against a flexographic printing plate.  
7 That was our concept.

8 Q. Do you, sir, take the position that the  
9 retractable coater as illustrated in figure two, all by  
10 itself and apart from the press is your invention?

11 A. That's our concept and design and it's a part of  
12 our invention.

13 Q. I said not a part of your invention, sir, I  
14 asked you if it was your invention?

15 MR. PINKERTON: Object to the form.  
16 Argumentative.

17 THE WITNESS: The detail of how the anilox  
18 roller is placed against a cylinder was left up to  
19 Printing Research, that detail. We gave them the  
20 concept, and the coating head was already in existence.  
21 I believe the anilox rollers were already in existence,  
22 chamber doctors were already in existence, and the  
23 detailed mechanism of how that came into position against  
24 the blanket cylinder was what we asked them to  
25 accomplish.

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[illegible]

1 what he's asking.

2 (Read back requested text)

3 MR. PINKERTON: Object to the form.

4 Calling for speculation about whether or not there is  
5 anything inventive in the retraction mechanism.

6 MR. HARRIS: About what?

7 MR. PINKERTON: Objection to the form and  
8 calling for speculation.

9 MR. HARRIS: Speculation of whether or not  
10 he has an invention?

11 MR. PINKERTON: No, not with respect to he  
12 has an invention. He obviously has an invention.

13 MR. HARRIS: Does he? He testified  
14 today --

15 Q. (By Mr. Harris) Sir, I'm just trying to find  
16 out if there is anything separable. Is there anything  
17 there you are giving PRI or is all of it you and Jesse  
18 Williamson?

19 A. The detail of the Ferris wheel mechanism was at  
20 the option of Printing Research. We gave our criteria  
21 for our concept, and it was up to them to whatever method  
22 they needed to make a retractable coating unit  
23 interstation adaptable.

24 Q. Sir, all I was asking you was -- and I want to  
25 try again. So that Ferris wheel mechanism, as you stated

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1 it, if it be an invention, is the invention of Printing  
2 Research?

3 MR. PINKERTON: Objection to the form and  
4 calling for speculation on this witness' part and one  
5 that he is not the appropriate person to ask about an  
6 invention.

7 THE WITNESS: That was the method of  
8 apparatus they chose to do what we asked them to do.

9 Q. (By Mr. Harris) That was the rocket you asked  
10 somebody to go to the moon, but hadn't been built yet,  
11 right, sir?

12 MR. PINKERTON: Objection to the form.  
13 Argumentative.

14 Q. (By Mr. Harris) All I'm asking you, and I'm  
15 going to ask it again, you said they chose the Ferris  
16 wheel mechanism. You had nothing to do with that  
17 specific mechanism, correct?

18 A. That is correct.

19 Q. Now, all I'm asking you is: If under the law  
20 that specific mechanism, as such, qualifies as an  
21 invention, are you claiming that invention for some  
22 reason?

23 MR. PINKERTON: I object again to the form  
24 of the question. It's asking this witness to make a  
25 legal conclusion.

1 MR. HARRIS: You didn't listen to that  
2 question, as is often the case, Mr. Pinkerton.

3 MR. PINKERTON: I think I did. It's an  
4 appropriate objection. You couched it in terms of the  
5 law.

6 Q. (By Mr. Harris) That's if under the law.

7 MR. PINKERTON: If under the law -- object  
8 to the form.

9 Q. (By Mr. Harris) Assume this is the law, okay?  
10 That's what I'm telling you. If under the law it  
11 qualifies, then do you claim it for some reason, is what  
12 I'm trying to find out .

13 MR. PINKERTON: Object to the form of the  
14 question. Again, couched in terms of the law, vague and  
15 ambiguous in regard to what's claimed.

16 THE WITNESS: I would not know what under  
17 the law meant. I don't know.

18 Q. (By Mr. Harris) I'm not asking you, sir, for  
19 the law. I'm telling you assume that the law is such  
20 that that is an invention, a patentable invention even,  
21 the Ferris wheel mechanism. I'm not talking to you about  
22 the other stations, I'm saying is there some reason that  
23 your company thinks it made that invention if it -- that  
24 I speculated was an invention?

25 MR. PINKERTON: Counsel, same objection.

FOOTNOTES

1 I'm going to let the witness answer, but it's a totally  
2 improper question, but he can answer as best he can.

3 THE WITNESS: I'm not prepared to make an  
4 assumption like that.

5 Q. (By Mr. Harris) How are you able to make an  
6 assumption that you've got an invention, sir? Strike  
7 that.

8 Do you think you invented the Ferris wheel  
9 mechanism?

10 A. Not the Ferris wheel mechanism, no.

11 Q. Do you think that Mr. Jesse Williamson invented  
12 the Ferris wheel mechanism?

13 A. Not that I'm aware of, no.

14 Q. Do you recall some negotiations in '95, maybe  
15 going on into '96, between PRI and your company relating  
16 to the company's respective rights and some of the  
17 equipment?

18 A. I'm not sure what you are talking about.

19 Q. Why don't you read number six?

20 MR. PINKERTON: Paragraph six, page three  
21 of his declaration.

22 MR. HARRIS: Oh, I've got the wrong one,  
23 just a minute. I'm all wet on that, I may go to  
24 something else.

25 Q. (By Mr. Harris) Do you recall discussions about



1 whether 18 months or a year or how long for an exclusive  
2 relating to, I suppose, the coater, I don't know?

3 MR. PINKERTON: Object to the form.

4 Q. (By Mr. Harris) I don't know entirely and I'll  
5 solicit your help in finding that out, back about '95?  
6 And I'm just assuming you were in this. Do you recall  
7 that?

8 MR. PINKERTON: Object to the form.

9 THE WITNESS: I know about the  
10 negotiations. I was not directly involved. That was the  
11 owners of our company, Jesse Williamson and Jerry  
12 Williamson were involved in that.

13 Q. (By Mr. Harris) Would Mr. Williamson be the one  
14 to ask a question like that to?

15 A. He would be one of the persons to ask a question  
16 about that.

17 Q. (By Mr. Harris) Was it discussed --

18 MR. PINKERTON: I don't think it's in your  
19 30(b)6 notice, is it?

20 MR. HARRIS: I don't know whether it is or  
21 not.

22 MR. PINKERTON: I don't think it is, but I  
23 don't think he was involved.

24 MR. HARRIS: I --

25 MR. PINKERTON: Jesse Williamson was

TEXAS 3045466

1 involved.

2 MR. HARRIS: Was involved.

3 MR. PINKERTON: Mr. Bill Davis is saying he  
4 wasn't involved.

5 MR. HARRIS: Yeah, that's what I hear.

6 Q. (By Mr. Harris) Were you aware that such  
7 negotiations were going on?

8 A. Yes, sir, I was copied on some of the documents,  
9 if not all.

10 MR. HARRIS: I'll defer that. I believe I  
11 have a few pieces of paper on it.

12 (Deposition Exhibit 3 marked)

13 Q. (By Mr. Harris) Sir, I have had placed before  
14 you what has been marked as Exhibit 3. It purports to be  
15 a document with your signature, and after you look it  
16 over, I would appreciate it if you would verify that it  
17 is and then I'll have some questions about it.

18 MR. PINKERTON: Is there a pending  
19 question, Counsel?

20 MR. HARRIS: No.

21 MR. PINKERTON: Okay.

22 MR. HARRIS: You may snooze.

23 MR. PINKERTON: May I request a pending  
24 question?

25 MR. HARRIS: Sir, you can still snooze.

1 Stretch your legs a minute. I swear I've got this thing  
2 here somewhere. If I can find it I'll wind up saving a  
3 little time instead of losing it.

4 Okay. I found something to go forward with  
5 here.

6 MR. PINKERTON: You want to make that  
7 Exhibit 3, Bill?

8 MR. HARRIS: Yeah. Well, I'll keep the  
9 other one as Exhibit 3. I may come back to 3.

10 (Deposition Exhibit 4 marked)

11 Q. (By Mr. Harris) I'm not sure I asked the final  
12 question on Exhibit 3, and that was: That is your  
13 declaration, isn't it, and if it's a repetition, I  
14 apologize I took so long?

15 A. Yes, sir.

16 Q. And as far as you know is -- it conforms to that  
17 which was actually filed?

18 A. Yes.

19 Q. Do you have in front of you Exhibit 4? Do you  
20 have in front of you Exhibit 4?

21 A. Yes, sir.

22 Q. Well, take a minute and look it over so you can  
23 identify it for us.

24 I will note that the document we are  
25 talking about bears the title Joint Declaration (1) Under

1 37 C.F.R Section 1.131 and (2) Pertaining to Derivation  
2 by DeMoore and Printing Research, Inc. of Reissue  
3 Applicants' Invention. Is that what you make it out to  
4 be, sir?

5 A. Yes, sir.

6 Q. And is that a declaration that you made?

7 A. Yes, myself and Jesse Williamson.

8 Q. Yes, sir. And that was prepared by yourself  
9 with some assistance on how to go at it with language  
10 structured by Mr. Falk?

11 A. Yes, sir.

12 Q. And this is a legitimate copy that was filed  
13 with the patent office insofar as you believe and know?

14 A. Yes, sir.

15 Q. All of these statute numbers and whatnot came  
16 with the assistance of Mr. Falk, I would assume, did they  
17 not?

18 A. Yes, sir.

19 Q. In paragraph three would you please tell me  
20 whether or not it is correct to the letter insofar as you  
21 know?

22 A. Except for the date. I believe that the date  
23 was in June.

24 Q. What do you have to show the date?

25 A. We have an expense report, which we have not

1 produced yet, that would indicate it would be about mid  
2 June, I believe, the 12th.

3 MR. HARRIS: I will certainly ask for that  
4 expense report so I may examine the witness about this  
5 matter.

6 MR. PINKERTON: Yeah, it's the one you  
7 previously asked for before and I said that we would  
8 produce it, and it is an expense of Jesse Williamson.  
9 He's -- it was on his expense report and you'll have it  
10 for Jesse's deposition, certainly. We'll produce it --

11 MR. HARRIS: I would like to have it before  
12 then.

13 MR. PINKERTON: We'll get it to you as soon  
14 as we can, but I mean, I'm sure you're going to have it.  
15 We just have to make a good copy of it.

16 Q. (By Mr. Harris) Please tell me if you think  
17 paragraph four is literally correct?

18 A. I believe paragraph four is correct.

19 Q. You referred to Jesse Williamson's observation  
20 of printing with an anilox roller at the coating tower.  
21 Is that the first time that an anilox roller had been  
22 observed by Mr. Williamson, as far as you know?

23 A. I don't know whether Jesse had observed that or  
24 not before -- before this date. I think that he had,  
25 that he probably -- maybe this was the first time he had

1 seen that in operation.

2 Q. Is there anything to back up any document of any  
3 kind to back up this conception? It really doesn't say  
4 it's a conception. It says it was inspired, so I'm a  
5 little bit confused. Can you explain what the conception  
6 was inspired means as it relates to conception?

7 MR. PINKERTON: Object to the form.

8 THE WITNESS: I think it just means what it  
9 says. It was inspired at least in part by his  
10 observation of how effective this anilox roller was and  
11 an end-of-press tower coater.

12 Q. (By Mr. Harris) Well, then, when was the  
13 conception?

14 A. When he returned from Germany and he and I sat  
15 and determined what's the best way to do this.

16 Q. And so when is that? I don't see that stated in  
17 there?

18 A. He returned, I believe, on about the last day of  
19 May, so we collaborated in June of that same year.

20 Q. And that point we have discussed before at this  
21 deposition; is that right?

22 A. Yes, sir, that's correct.

23 Q. Where, sir, did you get the July 1994 meeting,  
24 the date? You tell me now it was an earlier date.

25 A. I think it was the best recollection at the

1 time.

2 Q. Well, sir, this -- I believe the agreement in  
3 this document was executed June the 30th of this year.

4 A. Uh-huh.

5 Q. And it doesn't -- it talks about late July, so  
6 where did that come from, sir? Where did the late July  
7 come from?

8 MR. PINKERTON: Object to the question as  
9 being asked and answered.

10 THE WITNESS: I think we must have relied  
11 on our recollection.

12 Q. (By Mr. Harris) Are your recollections often  
13 quality?

14 MR. PINKERTON: Object to the question.  
15 Argumentative.

16 THE WITNESS: I think they're generally  
17 pretty good.

18 Q. (By Mr. Harris) I wouldn't doubt that, but when  
19 undocumented and there has been a passage of time, you  
20 would agree with me that it's not unusual to make a date  
21 mistake, wouldn't you?

22 A. Well, that could happen.

23 Q. And it did happen to you in several instances in  
24 this particular case, didn't it?

25 A. Well, that happened.

TOP SECRET

1 Q. Did you say that happened?

2 A. Yes.

3 Q. Okay. Be it June or July of '94 when you met  
4 with Steve Baker, could you explain why you were willing  
5 to take him into your confidence when he was a very new  
6 man and when he was down the line in the company?

7 A. I think we felt like that Printing Research was  
8 capable of supplying the equipment we needed and that  
9 they would be trustworthy -- he would be trustworthy to  
10 be trusted with this.

11 Q. How long had you known him?

12 A. I believe Steve had called on us back in '93  
13 some time, I believe, maybe in early '94. I think he had  
14 called on us from time to time to present the various  
15 equipment that Printing Research offered for sale.

16 Q. You say any one of a number of rack back mentors  
17 could have easily altered their end-to-press rack backs  
18 to make same and interstation device as of 1994. Do you  
19 have any point of proof on that, that others could have  
20 done that?

21 MR. PINKERTON: Objection to the form of  
22 the question.

23 THE WITNESS: Just reviewing their  
24 equipment as we had -- their equipment literature as we  
25 had with Printing Research, it was evident that it was a



1 pretty easy task to place a coating head in the position  
2 we wanted it in to do our concept of the invention.

3 Q. Did you think it was a particularly expensive  
4 thing to do?

5 A. I don't know that I knew what the expense would  
6 be.

7 Q. So it was your own review of it without giving  
8 any particular criteria, just your mechanical background  
9 and ability that told you that it would be easy to do; is  
10 that it?

11 A. Yes, sir.

12 Q. Would you look at paragraph seven. Do you see  
13 the statement about tests that were conducted in '94,  
14 October and December, that were conducted for you, it  
15 says? Are those dates mistaken?

16 A. I believe we went to Printing Research in  
17 October or November and I know for sure that we  
18 documented a rather lengthy two-day test in December.

19 Q. Do you have anything in the way of documentation  
20 for the October test?

21 A. I don't believe I do, no.

22 Q. Or for any November test?

23 A. No.

24 Q. And have we been given the documentation for the  
25 December test?

11/10/94 10:00 AM

1 A. Yes, sir.

2 Q. And is it one sheet of paper that has two sides  
3 on it filled in?

4 A. I believe two sheets of paper. I sent it  
5 over -- I believe I faxed it over.

6 Q. Was it a Printing Research form or was it your  
7 own form?

8 A. No, it was one I had typed out on our word  
9 processor. It was a test protocol on the test stating --

10 Q. We'll see if we can find it.

11 A. Mid December. I think I sent it over about the  
12 15th and the test occurred on the 20th or 21st, real near  
13 the holiday.

14 Q. I think we have a request form.

15 MR. HARRIS: Is he talking about something  
16 in the way of a narrative?

17 MR. WILSON: Memo.

18 Q. (By Mr. Harris) Well, without marking it right  
19 now -- or it right now, this isn't what you are talking  
20 about?

21 A. No, sir.

22 MR. WILSON: Is that it?

23 Q. (By Mr. Harris) Well, you sent it over to them,  
24 right?

25 A. I believe I faxed it over, yes, about two pages.

1 MR. HARRIS: Can we go off the record just  
2 a second?

3 MR. PINKERTON: Sure.

4 VIDEOGRAPHER: We're off the video record,  
5 3:43, tape two.

6 (Discussion off the record)

7 (Videotape change)

8 VIDEOGRAPHER: We're on the video record,  
9 3:45, tape three.

10 Q. (By Mr. Harris) Referring back to paragraph  
11 four, the statement we had just then returned from  
12 Germany.

13 MR. PINKERTON: Let's find that statement.

14 MR. HARRIS: I'm looking.

15 MR. PINKERTON: Upon the return of Jesse  
16 Williamson. It doesn't say we.

17 MR. WILSON: Paragraph four, last sentence.

18 MR. PINKERTON: Oh, last sentence.

19 MR. WILSON: As of the time of the  
20 restaurant meeting with Baker, we had then just returned  
21 from Germany and had already reached an oral agreement.

22 MR. PINKERTON: Oh, okay.

23 MR. HARRIS: Seems like two different  
24 Germany's.

25 MR. PINKERTON: Two different time periods?

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1 MR. HARRIS: It wasn't east and west  
2 Germany, was it.

3 MR. PINKERTON: I didn't think that's what  
4 you were talking about.

5 Q. (By Mr. Harris) The question we had just  
6 returned from Germany at the bottom of that paragraph.

7 A. Uh-huh.

8 Q. Who had just returned from Germany?

9 A. Myself and Jerry and Jesse Williamson.

10 Q. Where did you go in Germany?

11 A. We went to Heidelberg and Oggsberg.

12 Q. Who is located in Oggsberg?

13 A. M.A.N. Roland web press division.

14 Q. Is the present form of the system being used in  
15 accordance with your invention suitable for web  
16 operation?

17 A. If you retro fitted a web press, an upstream web  
18 press printing unit with a retractable coater, it could  
19 be.

20 Q. As a matter of fact, if you had a way to get  
21 that anilox roller to the paper and the equivalent of a  
22 doctor blade system, you would be in business however you  
23 got it there, right?

24 MR. PINKERTON: Objection to the form of  
25 the question.

1 Q. (By Mr. Harris) Right?

2 MR. PINKERTON: Objection to the form of  
3 the question. Vague and ambiguous.

4 MR. HARRIS: You are hurting your witness'  
5 concentration?

6 MR. PINKERTON: Sorry.

7 THE WITNESS: The anilox roller to the  
8 paper? I don't understand that.

9 Q. (By Mr. Harris) Well, you run stock through,  
10 web stock, don't you?

11 A. Yes, sir.

12 Q. That's the paper I'm talking about.

13 A. But the anilox roller would have to be applied  
14 to the flexographic plate, not the paper.

15 Q. I beg your pardon. Which ultimately goes to the  
16 web stock?

17 A. Yes, sir, but that would be doable for one side  
18 of the web press only as web presses print blanket to  
19 blanket. So you would have to go through two printing  
20 units to print both sides of the press.

21 Q. Is that what you call perfecting?

22 A. Yes, sir, that's one version of perfecting.

23 Q. Is your 363, as you understand it, applicable to  
24 perfecting?

25 A. Yes, sir.

EXHIBIT 363

1 Q. On that German trip, I get some of these trips  
2 mixed up, but on that -- I'll call it European trip, did  
3 you stop by England, too?

4 A. No, sir, I did not.

5 Q. Was that some earlier trip that Mr. Williamson  
6 took?

7 A. It may have been, I'm not aware.

8 Q. Okay.

9 A. On the way there or the way back or?

10 Q. Any way?

11 A. I'm not aware, don't recall that.

12 Q. What documentation do you have about your trip  
13 to Germany including what you saw and did?

14 MR. PINKERTON: Again, in '94?

15 MR. HARRIS: I'm talking about the one he  
16 took in '94.

17 THE WITNESS: In July of '94?

18 Q. (By Mr. Harris) Yes.

19 A. Well, we visited Heidelberg and M.A.N. Roland.  
20 So you're saying documentation in what respect?

21 Q. I don't know, do you just have some financial  
22 records showing expenditures, is that all?

23 A. We would have that, yes, sir.

24 Q. Do you have any brochures? Do you have any  
25 materials they gave you or do you have any sketches you

1 made yourself or anything?

2 A. We brought back literature and information about  
3 their presses and specifically about the chamber doctor  
4 anilox roller coating system they offered as an option at  
5 the end of the press. A fellow by the name of Peter  
6 Schwabb provided that information to us.

7 Q. Turning to page three of the declaration. We  
8 are looking at Exhibit 4. Why is it -- well, I'll start  
9 off by saying you did inform Steve Baker of a pending  
10 patent application on what you call the WIMS process?

11 A. Yes, sir.

12 Q. Why?

13 A. Well, that was the process we were seeking to  
14 improve by being able to print flexography upstream and  
15 lithography.

16 Q. Where did you get the Rolex watch advertisements  
17 that you referred to in that paragraph? Where did they  
18 come from?

19 A. It was -- which paragraph?

20 Q. It's paragraph five. It bridges on over to page  
21 three.

22 A. The Rolex --

23 MR. PINKERTON: Just so the witness is  
24 clear. Can we refer to -- I think he's referring to the  
25 top of page three.

EXHIBIT 4

1 MR. HARRIS: Well, it says the word Rolex  
2 only one place in that paragraph.

3 MR. PINKERTON: Top of page three,  
4 paragraph five.

5 THE WITNESS: I've got it.

6 MR. HARRIS: Bridges over.

7 THE WITNESS: The Rolex advertisements we  
8 had were some pieces from a job we had printed for Rolex  
9 and they utilized the WIMS process, the Williamson  
10 integrated metallic process.

11 Q. (By Mr. Harris) And that was done when, the  
12 printing?

13 A. I believe in '93, I believe.

14 Q. And it's true that was done with plurality of  
15 lithographic units, was it not?

16 A. Used offset lithography to print that.

17 Q. This thing you are looking for or you're trying  
18 to copy for me, I see it mentioned again here. I  
19 therefore wonder if you can tell me that much -- this  
20 much about it. It says Jesse Williamson picked up the  
21 bill for dinner even though Steve Baker was the salesman  
22 trying to sell WPC equipment.

23 MR. HARRIS: Is it the dinner bill you  
24 have?

25 MR. PINKERTON: The credit card charge



1 receipt is what we have, I believe.

2 MR. HARRIS: So in a sense the dinner bill  
3 is what we have?

4 MR. PINKERTON: Yeah, that's what the  
5 charge was for.

6 MR. HARRIS: For whatever the name of that  
7 restaurant is. Well, I will be looking forward to it.

8 MR. PINKERTON: With great enthusiasm.

9 MR. HARRIS: Yes, as long as it's quick.

10 MR. PINKERTON: It will be faster than some  
11 of your productions, let me put it that way.

12 MR. HARRIS: Well, all right.

13 MR. WILSON: By definition it will be later  
14 than some of our productions.

15 MR. PINKERTON: I don't know about that.

16 MR. HARRIS: I would hope so. You are  
17 sitting here knowing about something and I don't have it.

18 MR. PINKERTON: Some people know and should  
19 have known, but that is another issue.

20 MR. HARRIS: No, it's not the same. One of  
21 them involves --

22 Q. (By Mr. Harris) During the Atlanta trip do you  
23 know who the local carton printer was that was a  
24 manufacturer in the Atlanta area that you visited?

25 A. It was west of Atlanta. It was a James River

1 carton printer, James River plant.

2 Q. Would you look at paragraph eight, the first  
3 sentence, and tell me if you think that's still  
4 approximately correct. In fact, I won't say  
5 approximately, I'll just say tell me if it's correct.

6 A. I believe that to be correct.

7 Q. Correct?

8 A. Yes, sir.

9 MR. PINKERTON: Was that with respect to  
10 the entirety of paragraph eight, was that --

11 MR. HARRIS: No, the first sentence.

12 MR. PINKERTON: I think the witness looked  
13 at the entire paragraph.

14 THE WITNESS: That is what I understood.

15 Q. (By Mr. Harris) If you want to say the same  
16 thing about the entire paragraph, well, that will save a  
17 little. Do you?

18 A. Yes. I guess there is one exception here, the  
19 date of July of '94. We now know after looking up  
20 Jesse's expense report actually it was a June date that  
21 we met with -- first met with Mr. Baker.

22 MR. PINKERTON: Counsel, why don't we take  
23 a break.

24 MR. HARRIS: Okay.

25 MR. PINKERTON: You know, I told you I

1 wanted to get you a good -- I've got a copy of that  
2 receipt, and I'm going to go get it right now. I was  
3 going to -- I had requested to get a better copy made,  
4 but I'm going to give you the one I've got so that you'll  
5 have it.

6 MR. HARRIS: While we've got him, I can ask  
7 him. Let's go off the record.

8 VIDEOGRAPHER: Off the video record, 4:02,  
9 tape three.

10 (Recess taken)

11 VIDEOGRAPHER: On the video record, 4:21,  
12 tape three.

13 MR. HARRIS: Make this the next exhibit,  
14 and make it 5A and 5B, two sheets.

15 (Deposition Exhibits 5A and 5B marked)

16 MR. PINKERTON: Counsel, for the record,  
17 this was provided to me on Monday and it's not the best  
18 copy and I was requesting another copy of it. I would be  
19 glad to provide you another supplemental copy, but I  
20 wanted to go ahead and get you this now even though it's  
21 not the best copy.

22 MR. HARRIS: Sure. A fairly limited, but  
23 another document request.

24 Q. (By Mr. Harris) Direct your attention, if you  
25 would, please, sir, to the photocopied document,

1 W00276 -- sorry, 2705 and W002706. Could you tell me  
2 what you really know about these two documents?

3 A. They're copies of an expense report that Jesse  
4 Williamson turned in for expenses to a trip -- for a trip  
5 to Atlanta, Georgia in June of 1994.

6 Q. Were you on that trip?

7 A. Yes, sir.

8 Q. Did you make an expense report?

9 MR. PINKERTON: I didn't hear the question,  
10 I'm sorry, Bill.

11 Q. (By Mr. Harris) Did you make an expense report?

12 A. I don't know whether I did or not because Jesse  
13 paid for everything, including my airline ticket. So it  
14 wouldn't be out of the ordinary for me not to file one if  
15 I didn't have any expenses. It was made over a weekend  
16 and we returned, I think, on Tuesday or Wednesday.

17 Q. I don't believe I'm following the balance over  
18 here where it's coming from. Tell me what these are.  
19 Are they from a credit card company or just what are  
20 they?

21 A. Yes, sir, the one at the bottom of page 2705 is  
22 a -- that's a Diner's Club, I believe it was, and we  
23 whited out the prices, I guess, on those, but the other  
24 is where a Mastercard or Visa was -- the secretary would  
25 just clip out the expenses that were pertinent for a trip

1 and would paste them on a sheet of paper, and then that  
2 would be turned in for that trip and so and so forth for  
3 each individual trip.

4 MR. HARRIS: Why are the charges not  
5 present here? I can understand if you have some other  
6 customer or something that's involved, but why is it  
7 whited out.

8 MR. PINKERTON: I didn't make the copies.  
9 They felt that the numbers were irrelevant, and so  
10 therefore they whited them out. That's all.

11 MR. HARRIS: Well, I would request when you  
12 get that really good copy that you can give me everything  
13 that you can on it. I may want the numbers. Certainly  
14 if it says \$1.97 it could mean one thing to me, and if it  
15 says what looks like a responsible amount for a given  
16 number of people, it will mean maybe a little something  
17 else to me.

18 MR. PINKERTON: Yeah, that's -- we'll  
19 designate these as confidential.

20 MR. HARRIS: The Budget Rent-A-Car, even, I  
21 would like a number on.

22 MR. PINKERTON: Those two documents, Bill,  
23 for the record, are designated as confidential, too. We  
24 didn't stamp them, but let's just go ahead and I can  
25 write on there as soon as we get through with the

1 testimony on it.

2 MR. HARRIS: Sure. If you want to write  
3 confidential on there, go ahead.

4 MR. PINKERTON: And I'll do that on the one  
5 that the witness has. And we'll give you a better copy.

6 Q. (By Mr. Harris) Does it show how many people  
7 ate there anywhere on the bill?

8 A. I don't believe it does. I can tell you what  
9 the dollar amount was, it was \$179.

10 Q. Just from memory?

11 A. I made this copy when I dug through and -- of  
12 Jesse's expense report very recently. Jesse and I are  
13 big eaters, but we --

14 Q. What do you mean expense report very recently?

15 A. I looked up this -- asked accounting to pull  
16 Jesse's expense reports and I dug through those and found  
17 the ones that would determine exactly when we were in  
18 Atlanta.

19 Q. Then I'll ask you another question just to be  
20 sure where I am. Did you go through his expense reports  
21 carefully for a month or two on both sides of this, this  
22 date, which steakhouse, if that's what it is, says 6 and  
23 12 of 94. Did you go through 5 and did you go through 7  
24 and 8?

25 A. I looked about a month ahead and actually looked

1 in July, and so I looked in August and I looked in June,  
2 and this is what I found.

3 MR. HARRIS: I won't today, but I may  
4 either write you a letter or call and request the reports  
5 for those three months with anything confidential made  
6 clear to me. If it's something you and I can see would  
7 be involved in figuring out what happened, well, then I  
8 would request you black it out after I look.

9 MR. PINKERTON: We'll consider that.

10 MR. HARRIS: Okay.

11 MR. PINKERTON: We are looking for trips to  
12 Atlanta here and so I think that's what we would key on.

13 MR. HARRIS: They do a lot of business in  
14 Waxahachie, John.

15 MR. PINKERTON: But I haven't got expense  
16 reports down there. Let me see that, Bill.

17 Q. (By Mr. Harris) Would you describe to me what  
18 happens specifically as far as your movements are  
19 concerned there?

20 A. As I recall, Jesse and I flew in on a Saturday  
21 evening. We took a shuttle or a cab, I believe we took a  
22 cab out to the hotel which was outside of Atlanta. It  
23 was a hotel that Steve Baker had recommended we use. And  
24 Sunday we had breakfast at the hotel and rented a car and  
25 drove out to Stone Mountain and visited that kind of a

1 tourist site, if you will, there.

2 And that evening we met Steve Baker. He  
3 had a larger rent car, and so we went in -- with him to  
4 go to supper and we got lost about every way you could  
5 get lost in Atlanta, too many Peach streets.

6 Q. I'll say.

7 A. And we finally literally stumbled upon a  
8 Martin's steakhouse, which as a lot of theirs are, it was  
9 located on a lower level and we pulled in and parked and  
10 went and had supper there.

11 Q. Then what happened?

12 A. Well, during the course of our meal we talked to  
13 Steve about our WIMS invention and the requirements we  
14 thought were necessary to improve that, how that process  
15 would work, how WIMS worked and how the new process would  
16 work and the fact that we needed a retractable  
17 interstation coater with anilox roller.

18 Q. Then what happened?

19 A. I think we finished up our meal and the next  
20 morning went back to the motel and the next morning we  
21 went on a tour with Steve to the James River carton  
22 printer out west of Atlanta to observe some interstation  
23 drying systems that Printing Research had on some large  
24 60-inch, large format 60-inch equipment printing --  
25 offset lithographic printing presses.



1                   And we came back into Atlanta and visited a  
2 printer who had a Heidelberg six-color CD press with a  
3 tower color and extended delivery, and there was a  
4 Printing Research cold UV drying system on that press, so  
5 we listed with that printer. I can't -- I can't recall  
6 the name of the printer. And either that evening or the  
7 next morning I believe we flew back to Dallas.

8           Q.    What was the purpose at the outset for your trip  
9 to Atlanta?

10          A.    We were evaluating the drying systems, the  
11 high-velocity interstation drying system and the cold UV  
12 system they had on this Heidelberg press. Potentially we  
13 would use that on a our third press, the triple tower  
14 press.

15          Q.    I don't see listed here your ticket coming back.  
16 Did you stay there? Are you really in Atlanta still?

17          A.    No, sir, I really came back.

18          Q.    Can you explain to me why it's done like it's  
19 done? I see you sitting here so I think you got back,  
20 but what happened?

21          A.    There's three charges listed there and two of  
22 them are ascribed to Jesse and one is ascribed to me, and  
23 I'm not sure -- I don't know. Jesse bought the tickets,  
24 and I'm not really sure if he bought those tickets, maybe  
25 he bought one ticket earlier in the day and got a better

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1 deal because we was going over a Saturday and bought  
2 two -- I don't really know.

3 Q. As a matter of fact, I've really got it  
4 backwards as I look at it because the Dallas to  
5 Fort Worth ticket has a JW by it. Then there's an  
6 Atlanta to Dallas ticket that has your initial and name  
7 by it and another JW after that for Atlanta to Dallas.  
8 So it -- what's vacant is how you got there.

9 A. Yeah, I'm not really sure why the tickets were  
10 bought that way or how they were bought, I guess. I  
11 don't really know.

12 Q. At this time that's all I have. I may have more  
13 after we get the numbers on there.

14 MR. HARRIS: Mr. Pinkerton, thank you for  
15 giving me what you had.

16 MR. PINKERTON: You're welcome.

17 Q. (By Mr. Harris) In paragraph 12 down on the  
18 fourth line is referenced a '57 Chevrolet bumper grill.  
19 Is that something that had been done in Germany or  
20 something you had done over here?

21 A. The '57 Chevrolet subject matter was, I believe,  
22 first utilized on the regular WIMS process as a  
23 demonstration of how the silver chrome of the bumper  
24 could be improved with that process. It was later  
25 adapted for the improved or what we later called the

1 Litholux process when we did this test.

2 Q. I'm still not clear. Is that a German test, one  
3 in Germany or one over here?

4 A. This particular was one done in Germany.

5 Q. What motive did the company have, if you know,  
6 or did Jesse Williamson have, if you know, in telling  
7 Bird and Baker that -- I'm sorry, telling Bird and Baker  
8 that he and Davis were going to file a patent application  
9 on that process? Do you see that number 13?

10 MR. PINKERTON: Paragraph 13?

11 MR. HARRIS: Yes, on page six.

12 THE WITNESS: I don't know what Mr.  
13 Williamson's motive was.

14 Q. (By Mr. Harris) Were you present?

15 A. Yes, sir.

16 Q. What did he say and what did they say?

17 A. I believe he just laid out the fact that we were  
18 going to file an application for what we later referred  
19 to as Litholux, and I think they acknowledged that.  
20 Don't remember anything more than that.

21 Q. Do you recall what, if anything, that they  
22 specifically said?

23 A. No, sir, I don't.

24 Q. Were you involved in any discussions about the  
25 experimental short arm device, cantilevered device?

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1 A. Yes.

2 Q. Would you relate those discussions to me as well  
3 as you can remember?

4 A. As I recall, after we had requested that  
5 Printing Research build an interstation device, I believe  
6 they came back with us -- to us and said that they felt  
7 that it would be expedient to build a device for  
8 end-of-press for the tower coater on our seven-color so  
9 that they could work on the unit. It was easier to work  
10 on at that end of the press and it was a developmental  
11 piece of equipment. They were still developing the  
12 mechanism to deploy that coating head, I believe.

13 Q. What did you say?

14 A. Said well, we would like one interstation, but  
15 if that's what's necessary, then let's do it.

16 Q. I see the statement on March 20 if you ran a  
17 first commercial job for a Mills Davis and Hi-Fi color, I  
18 also see the core of simulation, definitely. Does that  
19 mean it was a double pass job?

20 A. Yes, sir, that's correct.

21 Q. Did you do a good job?

22 A. We sold the job.

23 Q. How do you fix the date -- going to 15, the last  
24 sentence -- paragraph 15, last sentence, starting off  
25 this first long arm or automated unit was actually

1 installed in late August '95 or early September of '95  
2 and to the best of our knowledge the first actual inline  
3 reduction of the invention occurred at WBC in mid  
4 September of 1995. How did you establish that date?

5 A. On every new piece of equipment that my company  
6 has, they set up a monthly research and development job  
7 ticket and based on charges for that job in the -- inside  
8 that job jacket was charges for a flexographic -- for  
9 some flexographic plates as well as paper as well as  
10 coatings.

11 Q. Are there any other means to do that, to fix  
12 that date? Actually, I think I'm talking about two  
13 dates, if you'll let me narrative just a minute. And one  
14 of those dates is the date it was installed and the other  
15 date is when it had actual inline reduction in the  
16 invention, as you put it.

17 You talked about some kind of an equipment  
18 listing; is that right, or accounting?

19 A. Well, the printer typically uses a job ticket  
20 that has on the face of it specifications for a single  
21 job. We could -- you could also have a job ticket as we  
22 did. It's a big envelope and on that you would -- we  
23 would have one for the R and D, for any new equipment we  
24 had for a given month, and in that are placed charges and  
25 hours of press time from a computer printout and the

1 charges, we noted that September job jacket had charges  
2 for press time, for the flexographic printing plates and  
3 for coatings and for, of course, paper stock, which would  
4 indicate to us that we had done some developmental  
5 testing there was that -- to get that unit, get it  
6 tweaked up and in an operable mode.

7 Q. Your -- the installation and the reduction to  
8 practice would not be shown in the same way in your  
9 paper, would it?

10 A. I don't believe that it would. The job jacket  
11 would indicate mostly material uses or chargeable or  
12 nonchargeable hours for that equipment during that time  
13 period.

14 Q. Was experimental material covered by this system  
15 you are talking about?

16 A. I don't understand the question.

17 Q. You're talking about what they would do on the  
18 press and how they would identify what they were running,  
19 isn't that what you told me, basically?

20 A. It was -- we used an R and D ticket because in  
21 many cases when you start up new equipment you have  
22 problems, and we need to document the problems so that we  
23 can notify the manufacturers there's a problem.

24 Q. Do we have that ticket? Has it been produced  
25 for us? We do not believe that's the right date. We

1 don't know how much difference that makes in this  
2 lawsuit, but we don't believe it's the right date?

3 MR. PINKERTON: What do you think is the  
4 correct date?

5 MR. HARRIS: November or December, most  
6 likely December. It's a fair amount off.

7 MR. PINKERTON: Yeah, it's -- the date  
8 is -- we have produced that job ticket, I think, have we  
9 not, Bill?

10 THE WITNESS: I know that the documents  
11 inside the job ticket were produced.

12 MR. PINKERTON: I thought we produced the  
13 cover with those.

14 THE WITNESS: Should have. Should be  
15 there.

16 MR. HARRIS: We think we've got stuff, too.  
17 I don't know whether we produced it or not. Do you know?

18 MR. WILSON: Job ticket?

19 MR. HARRIS: Not a job ticket, anything, a  
20 pet rock if it's --

21 MR. PINKERTON: Let's get all of the  
22 documents out and let's just decide on a date.

23 MR. HARRIS: I don't know about deciding on  
24 it. Somebody might have to help us, like the judge, but  
25 maybe not. I'm not going to waste a whole lot of time on

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1 that right now, but John as it stands we don't see any  
2 chicanery, but we don't believe it, okay, and you  
3 probably don't believe our date on that.

4 Q. (By Mr. Harris) Sir, when the run took place  
5 that's identified in the last of paragraph 15, it was  
6 run, I trust, with an interstation unit operating off of  
7 the first unit?

8 A. Yes, sir.

9 Q. And that was one that was supplied by Printing  
10 Research?

11 A. That's correct.

12 Q. And at that run, well, there was a Printing  
13 Research man that was working along with that unit; is  
14 that true?

15 A. Yes, sir.

16 Q. And as far as locally is concerned, that unit at  
17 least was concerned, was in charge of seeing that that  
18 unit did what it was supposed to do?

19 A. That's correct.

20 Q. Who was the man?

21 A. I believe Terry Britton.

22 Q. Probably was.

23 Were reasonably good results obtained on  
24 that run?

25 A. Yes, sir.



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7 MR. PINKERTON: We're going to caution the  
8 witness not to answer with respect to any communications  
9 between attorney and client, but other than that he can  
10 answer the question.

11 THE WITNESS: I don't recall what the  
12 reason was for filing -- excuse me. I don't recall what  
13 that reason was, Mr. Harris. I don't think I recall why  
14 it took a while. I know it did take a while.

15 Q. (By Mr. Harris) Without going into great detail  
16 about it at all, just a yes or no answer, do you have one  
17 or more of those three drafts?

18 A. No, sir, I don't.

19 Q. Do you know if the company does?

20           A.     I don't believe so.

21 Q. And that would include the drafts inclusion --  
22 I'm sorry. That would also cover the drafts inclusion of  
23 any drawings with it, do you have them?

24	A. No, sir.
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25 Q. Or any pictures or illustrations, do you have

1 them?

2 A. No.

3 Q. And do you know if the company does?

4 A. I'm not aware that the company does, no.

5 Q. On paragraph 17 you make reference to a request  
6 of PRI -- made of PRI for an end mounted unit, and then I  
7 believe you go below that and make clear that was  
8 something you previously had identified and now you think  
9 was in error; is that correct?

10 A. That's correct.

11 Q. What was the error?

12 A. We were asking for an interstation device.

13 Q. It says here we now know they -- they we never  
14 requested the construction of an experimental unit. How  
15 do you know that now, sir?

16 A. Well, our goal was to build an interstation  
17 device and the experimental device was their idea to  
18 expedite the project and to help in the development as I  
19 understood from Printing Research.

20 Q. How did you come to believe something different  
21 from what you swore to earlier?

22 A. I think we just misstated that we requested an  
23 end-to-press and we really -- what we were requesting was  
24 an interstation device.

25 Q. Not much difference?

1 MR. PINKERTON: Objection to form.

2 THE WITNESS: I think we just used the  
3 wrong words there.

4 Q. (By Mr. Harris) The wrong concept?

5 MR. PINKERTON: Object to form.

6 Q. (By Mr. Harris) True?

7 A. I suppose so.

8 Q. Well end-to-end you would have to two-pass and  
9 front of the press you might do something different like  
10 an inline first flex, then lith, all down the line,  
11 one-pass, isn't that true?

12 MR. PINKERTON: Object to form.

13 THE WITNESS: That's true.

14 Q. (By Mr. Harris) And along about this point in  
15 time is it true that you had no contact with Howard  
16 DeMoore?

17 MR. PINKERTON: Objection to the form of  
18 the question and previous testimony on that point. Asked  
19 and answered.

20 THE WITNESS: I think Mr. DeMoore was in  
21 our plant and -- more than one occasion.

22 Q. (By Mr. Harris) Did you discuss with  
23 Mr. DeMoore this interstation device as early as December  
24 of '94?

25 A. I believe we may have, yes.

FOOTNOTES

1 Q. I believe we may have? Can you go one way or  
2 the other?

3 A. Well, we had series of meetings, according to  
4 John Bird's daytimer, with Bird and Baker and Steve  
5 Garner and several folks at Printing Research discussing  
6 our requirements and needs, and I know that Mr. DeMoore  
7 was in more than one of those meetings.

8 Q. Did it say so in Mr. Bird's daytimer?

9 A. I don't believe it specifies who was attending  
10 the meetings.

11 Q. It says in that same paragraph, third, PRI  
12 constructed an experimental flexographic printer coater  
13 which was installed at the tower coater at the end of  
14 WPC's seven-color press at the end of February of '95,  
15 but this experimental unit was not requested by WPC. You  
16 don't mean to imply that you didn't even want it, do you?

17 MR. PINKERTON: Object to the form.

18 THE WITNESS: We wanted an interstation  
19 unit. That was what they offered at the time. So we  
20 said go ahead.

21 Q. (By Mr. Harris) Did you understand that that  
22 unit might form the basis of making such changes as were  
23 necessary and adjustments to have a suitable interstation  
24 coater unit?

25 A. I believe that that was made clear to us, yes.

1 MR. HARRIS: All right. I think now is as  
2 good as any. If I start picking something else up I'll  
3 run into the -- not even the middle, the first quarter of  
4 it. What do you have, 5 or 10 after?

5 MR. PINKERTON: You want to go ahead and  
6 break now?

7 MR. HARRIS: Yes, let's take the break.  
8 We've got an agreement, and I believe you'll keep it and  
9 I think I'll keep mine, so let's don't put anything on  
10 the record about it.

11 MR. PINKERTON: Okay.

12 MR. HARRIS: Let's just let it die right  
13 here between us and see how we do.

14 MR. PINKERTON: That's fine. You had some  
15 documents that y'all were going to produce.

16 MR. HARRIS: Yes.

17 MR. PINKERTON: Can we take a look at  
18 those?

19 MR. HARRIS: I think there's only 32,000.

20 MR. WILSON: We can just read them in, you  
21 want to do that?

22 So we've got -- looks like white print with  
23 gold overlay on it.

24 MR. HARRIS: How are you going to identify  
25 them?

1 MR. WILSON: Bates labels.

2 MR. HARRIS: Do you need a record of it?

3 You don't do you?

4 MR. PINKERTON: No.

5 MR. WILSON: If she can keep it, that might  
6 be good, just so we know.

7 PRI1322, another one that looks like it.  
8 That's got. Do you want me to mark this flip side, too.

9 (Discussion off the record)

10 MR. WILSON: Next sheet has a small sheet  
11 stapled to it, mark the small sheet PRI 1322 and another  
12 white sheet with gold print on it as PRI1324. It's  
13 stapled to the other one and we'll mark it as PRI1325.

14 Then there's five more sheets that appear  
15 essentially identical. We'll mark them -- again, they  
16 are white with gold, mark them PRI1326, 1327, 1328, 1329,  
17 and 1330. Then we have a white sheet with handwritten  
18 date 11-29. That's got some sort of pearlescent or  
19 opaque square printed on it and it's got a small sheet  
20 stapled to it. We'll mark the small sheet PRI1331 and  
21 the large sheet with the pearlescent printing we'll mark  
22 PRI1332.

23 MR. PINKERTON: Small white sheet has a  
24 date of 9-16-94.

25 MR. WILSON: Okay. Then we've got a white

1 sheet with some gold printing on it, including what  
2 appears to be some sort of image of a motorcycle and it's  
3 got a small sheet stapled to it. We'll mark the small  
4 sheet PRI1333, and it has a date of 2-14-95. I'll mark  
5 the large sheet PRI1334.

6 Then we have three large blue sheets  
7 stapled together with a small sheet stapled to those,  
8 small typewritten sheet. The typewritten sheet bears a  
9 date of 2-15-95. We're going to mark it as PRI1335. The  
10 large blue sheets have the opaque print on them, white,  
11 and we're going to mark them as 1336, 37, and 38.

12 There's another set essentially the same as  
13 the one we just described. We'll mark the small sheet on  
14 that 1339 and the large blue sheets PRI1340, 1341, and  
15 1342.

16 We've got a large gray sheet with white  
17 opaque printing on it and again an attached typewritten  
18 page also dated 2-15-95 that will be marked PRI1343 on  
19 the small page and 1344 the large gray sheet with white  
20 overprint.

21 We've got another large blue sheet with a  
22 small typewritten page attached to it. The typewritten  
23 page is dated 2-15-95. We're going to mark it PRI1345,  
24 and the large blue sheet that it's attached to that has  
25 white or gray overprint, mark it PRI1346.

1 I think the final one is a gray sheet with  
2 a white typewritten page attached to it. We'll mark the  
3 typewritten page PRI1347. It's dated 12-15-95. Mark the  
4 gray page with white overprint PRI1348.

5 We have one more. This is a 1996 Printing  
6 Research Incorporated calendar. It's got all 12 months  
7 on it and images in the upper left and right-hand  
8 corners. We're going to mark it in the lower right-hand  
9 corner. It has PRI1349, and if the camera is on we'll  
10 show that.

11 MR. PINKERTON: All right.

12 MR. WILSON: So those will be available at  
13 our office any time you want to look at them, just give  
14 me a call. And if you want me to I can make copies of  
15 the Bates numbers or something. I just don't know a  
16 convenient way to copy something that huge without  
17 spending a couple of thousand dollars.

18 MR. PINKERTON: Would you go ahead and  
19 shoot us a copy of the Bates number and then shoot the  
20 small white pages.

21 MR. WILSON: Okay. Thank.

22 VIDEOGRAPHER: Off the video record, 5:12,  
23 tape three.

24 (Off the record, 5:12 p.m.)  
25 - - - - -



# CORRIGENDUM

# CORRIGENDUM

# CORRIGENDUM

**[Disregard if signature waived]**

**PAGE**

LINE

CHANGE/REASON

[illegible]

I, \_\_\_\_\_, have read the foregoing deposition  
and hereby affix my signature that same is true and correct, except as noted above.

**Signature of Witness**

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

SUBSCRIBED AND SWORN TO by the said witness, \_\_\_\_\_,  
on this the \_\_\_\_\_ day of \_\_\_\_\_.

**Notary Public in and for the State of Texas**

STATE OF TEXAS                   X

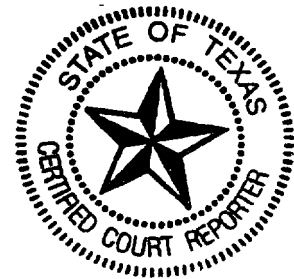
COUNTY OF DALLAS               X

I, Christina Cheatham, a Certified Shorthand Reporter duly commissioned and qualified in and for the State of Texas, do hereby certify that there came before me on the 20th day of September, 2000, at the law office of Wortham Forsythe Wooldridge, L.L.P., located at 1601 Bryan Street, Energy Plaza, 30th Floor, in the City of Dallas, County of Dallas, State of Texas, the following named person, to-wit: BILL DAVIS, who was duly sworn to testify the truth, the whole truth and nothing but the truth of her knowledge touching and concerning the matters in controversy in this cause; and that he was thereupon examined upon his oath and his examination reduced to typewriting under my supervision; that the deposition is a true record of the testimony given by the witness, and signature of witness is to be before any notary public.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

Certified by me on this the 25<sup>th</sup> of  
September, 2000.

Christina Cheatham  
CHRISTINA CHEATHAM, CSR 4590  
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Asg No 5034

Job Ref 1649

Fuller & Associates, Inc.

[illegible]

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**Lawyer's Notes**

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THE SHIRAZ

CONDENSED

CONDENSED

**In The Matter Of:**

*Printing Research, Inc., et al v.  
Williamson Printing Corp., et al*

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*Bill Davis  
September 20, 2000*

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*Fuller & Associates, Inc.  
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*Original File 0920DAVI.V1, 148 Pages  
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0920DAVI.V1

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(1) IN THE UNITED STATES DISTRICT COURT  
(2) FOR THE NORTHERN DISTRICT OF TEXAS  
(3) DALLAS DIVISION  
(4) PRINTING RESEARCH, INC. X  
HOWARD W. DEMOORE and X  
(5) RON M. RENDLEMAN X  
X CIVIL ACTION NO.  
(6) VS X 3-99CV1154-M  
X  
(7) WILLIAMSON PRINTING CORP., X  
BILL L. DAVIS and X  
(8) JESSE WILLIAMSON X  
(9) VIDEOTAPED  
(10) ORAL DEPOSITION  
(11) OF  
(12) BILL DAVIS  
(13) September 20, 2000  
(14)  
(15) ANSWERS AND VIDEOTAPED DEPOSITION OF BILL DAVIS,  
(16) produced as a witness at the instance of the Defendant,  
(17) being duly sworn, was taken in the above-styled and  
(18) numbered cause on the 20th day of September, 2000, from  
(19) 10:20 a.m. to 5:12 p.m., before Christina Cheatham, a  
(20) Certified Shorthand Reporter in and for the State of  
(21) Texas, via machine shorthand, at the offices of Worsham,  
(22) Forsythe, Woodbridge, L.L.P., located at 1601 Bryan  
(23) Street, Energy Plaza, 30th Floor, in the City of Dallas,  
(24) County of Dallas and State of Texas.  
(25)

Page 2

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(23)  
(24)  
(25)

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#### PROCEEDINGS

[1] VIDEOGRAPHER: We're on the video record,  
[2] 9-20-2000, videotaped deposition of Bill Davis. If the  
[3] court reporter would administer the oath, please.  
[4] BILL DAVIS,  
[5] having been sworn to testify the truth, testified as  
[6] follows:  
[7] MR. HARRIS: Mr. Davis, if you'll pardon me  
[8] just a minute. I'd like to have some lawyer talk on the  
[9] record with Mr. Pinkerton.  
[10] THE WITNESS: Yes, sir.  
[11] MR. HARRIS: Mr. Pinkerton, per your  
[12] suggestions we have deferred the deposition tomorrow of  
[13] Mr. Rendleman. I think that's appropriate enough. After  
[14] all, you're the one that noticed him and you wanted to  
[15] defer it.  
[16] Also, it's a fact that you did get some  
[17] number, not an enormous number, but several additional  
[18] documents in a third production late yesterday, and I  
[19] believe your thinking was that that really wasn't a very  
[20] fair deal and that you would like to do it at a later  
[21] date. And you suggested either the 28th or the 29th and  
[22] we have selected the 28th of this month, which is a  
[23] Thursday, and that's about all on that point.  
[24] MR. PINKERTON: I agree with everything you

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[1] said. We believe it was a little late for the production  
[2] of those documents for us to be examining Mr. Rendleman  
[3] on them on Thursday, and the 28th — February 28th for  
[4] his rescheduling is fine with us, Bill.  
[5] MR. HARRIS: Okay. That is good.  
[6] MR. PINKERTON: Did I say February?  
[7] September 28th. I don't get off the hook that long.  
[8] MR. HARRIS: What year, Mr. Pinkerton.  
[9] MR. PINKERTON: Let's do 2000.  
[10] MR. HARRIS: All right. And then there's  
[11] the matter of this deposition, and I indicated to you  
[12] that there were only five or six documents that we might  
[13] even possibly be examining Mr. Davis about. That is  
[14] documents that were newly produced yesterday.  
[15] MR. PINKERTON: Right.  
[16] MR. HARRIS: And you said, well, we could  
[17] meet that as we go, and I got the idea that is something  
[18] you thought unless something unusual came up we could  
[19] accommodate you. Anyway, that wasn't totally expressed,  
[20] but I think that was the sense of trying to work together  
[21] on that being expressed.  
[22] MR. PINKERTON: Yeah, we just had a chance  
[23] to look briefly at those documents that Steve  
[24] specifically identified to us. Bill has not seen those  
[25] documents prior to us having received them, and so I

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[1] would ask that you defer your examination on those until  
[2] another date, if it's appropriate and if you do find it  
[3] necessary to go into them, certainly try to do it  
[4] sometime after this afternoon, and we'll try to take a  
[5] look at them over the noon hour, okay, but defer it if  
[6] you possibly can.  
[7] MR. HARRIS: Okay. We'll try to noon hour  
[8] thing, and I know he has seen that printed article.  
[9] MR. PINKERTON: No, he has not.  
[10] MR. HARRIS: Is that right?  
[11] MR. PINKERTON: Has not seen it.  
[12] MR. HARRIS: Well -  
[13] MR. PINKERTON: None of these documents have  
[14] been seen before. I made that statement. I stand on  
[15] that statement.  
[16] MR. HARRIS: Well, everybody's got to stand  
[17] somewhere, even if it's on the head of a pin.  
[18] The other point that we were talking about  
[19] one day depositions, and I said, well, if we ran over we  
[20] would take back up tomorrow, and you said no, I would  
[21] prefer not to do that.  
[22] I think we came to the agreement that —  
[23] and I suppose it applies to Rendleman, too. We came to  
[24] the agreement that if the deposition really wasn't over,  
[25] we would get it at some other day removed reasonably.

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[1] MR. PINKERTON: We talked before when we  
[2] originally scheduled these depositions and we talked  
[3] again last night —  
[4] MR. HARRIS: Right.  
[5] MR. PINKERTON: — about taking each of  
[6] these four gentleman for a day, and then after their  
[7] depositions are completed, talking and seeing if you need  
[8] additional time and see if I need additional time with  
[9] one or any of them, and then we would make an agreement  
[10] at that time as to additional time.  
[11] And I don't mean to say, you know, I am  
[12] saying that we would accommodate your reasonable  
[13] requests, and we would think that you would accommodate  
[14] our reasonable requests for some kind of a specific time  
[15] period, additional time that might be needed to complete  
[16] the examination.  
[17] MR. HARRIS: How can this be fit into a  
[18] single deposition, John?  
[19] MR. PINKERTON: Excuse me?  
[20] MR. HARRIS: Can we set it — how can this  
[21] be put into a single deposition? I'm just thinking about  
[22] the transcript and the mechanics now.  
[23] MR. PINKERTON: Oh, it would just be a  
[24] continuation. A continuation —  
[25] MR. HARRIS: Are you sure it wouldn't be a

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[1] continuation in part?  
[2] MR. PINKERTON: Might be that. Matter of  
[3] fact, I hope it would be because I hope we wouldn't go  
[4] over old ground.  
[5] MR. HARRIS: No, I think —  
[6] MR. PINKERTON: Could be new matter.  
[7] MR. HARRIS: No, I think you're right.  
[8] I'll try to go for new stuff. But I would kind of like  
[9] to talk this out so we all sort of understand it. I'm  
[10] glad to hear you responding, and I'm still hearing you  
[11] responding that if either one of us on what you described  
[12] as the big four need additional time, we'll sit down and  
[13] work it out.  
[14] MR. PINKERTON: Exactly.  
[15] MR. HARRIS: And that's satisfactory with  
[16] me.  
[17] MR. PINKERTON: Yeah, I'd like to —  
[18] MR. HARRIS: But the deposition, can we go  
[19] ahead, then, and tentatively close it out subject to  
[20] something coming up further —  
[21] MR. PINKERTON: Yes.  
[22] MR. HARRIS: — at the end.  
[23] MR. PINKERTON: That would be fine.  
[24] MR. HARRIS: Or subject to thinking about  
[25] it.

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[1] MR. PINKERTON: That will be the way we  
[2] would end or terminate each of these depositions, each of  
[3] the four.  
[4] MR. HARRIS: And you probably won't want  
[5] any cross, but if you do you could go ahead with the  
[6] cross on what had been done, and I could do the same  
[7] thing, I trust.  
[8] MR. PINKERTON: Sure.  
[9] MR. HARRIS: When we came on down the line.  
[10] MR. PINKERTON: Right.  
[11] MR. HARRIS: Like we have been working on  
[12] the rules, federal rules taken in accordance with the  
[13] federal rules?  
[14] MR. PINKERTON: Right.  
[15] MR. HARRIS: And you recall we had —  
[16] MR. PINKERTON: Yes, this is federal court.  
[17] And Bill, we've got one more item.  
[18] MR. HARRIS: I haven't finished.  
[19] MR. PINKERTON: I know you're going to get  
[20] to it.  
[21] MR. HARRIS: All I'm going to say is —  
[22] there's two more items. One of them, I'll finish this  
[23] and say that objections are reserved until the time of  
[24] trial or may be reserved until time of trial except as to  
[25] the form of the question, and I believe that's what the

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[1] federal rules say, too.  
[2] MR. PINKERTON: Right. That's agreeable,  
[3] and that's the way we've conducted these depositions.  
[4] MR. HARRIS: The next thing I do have, and  
[5] I haven't brought up was this question of the 30(b)6. We  
[6] had served — is that the thing you had?  
[7] MR. PINKERTON: Right.  
[8] MR. HARRIS: We served a 30(b)6 deposition  
[9] notice on you and you had a designation attached to it of  
[10] certain areas for examination, and we had even set a date  
[11] for it and you said, well, there is a lot of duplication  
[12] we are thinking about here, and that's not necessary to  
[13] do it that way.  
[14] I think you finally came around to saying  
[15] it might be necessary to do a little something on a  
[16] couple of the items.  
[17] MR. PINKERTON: Right.  
[18] MR. HARRIS: But not the bulk of the items  
[19] that the witness has already said would handle the bulk  
[20] of the items.  
[21] MR. PINKERTON: That's correct. And  
[22] particularly Bill Davis and Jesse Williamson.  
[23] MR. HARRIS: Right.  
[24] MR. PINKERTON: And I would like to go  
[25] through that list with you, Bill.

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[1] MR. HARRIS: That would be great.  
[2] MR. PINKERTON: Okay.  
[3] MR. HARRIS: Because I would like when  
[4] Mr. Davis is testifying on one you have designated for  
[5] Mr. Davis, it to be understood that it is a 30(b)6 item  
[6] without me having to say it.  
[7] MR. PINKERTON: It will be his testimony  
[8] and his testimony pursuant to 30(b)6 for Williamson  
[9] Printing.  
[10] MR. HARRIS: That will work.  
[11] MR. PINKERTON: Okay. Let me say this,  
[12] that we will object to items 12, 15, 16, 19 and 20 of the  
[13] subjects for the deposition of Williamson as listed on  
[14] Exhibit A for various reasons, and we'll file a formal  
[15] statement of objections with respect to those items.  
[16] MR. HARRIS: 12, 16, 19, and 20?  
[17] MR. PINKERTON: You missed one. 12, 15,  
[18] 16, 19, and 20.  
[19] MR. HARRIS: Okay. Got it now.  
[20] MR. PINKERTON: 12, I'll just say I think  
[21] is duplicative of previously stated subjects. 15 and 16,  
[22] I think, go to issues that might relate to some challenge  
[23] to validity of the 363 patent, and I believe that's  
[24] improper because the validity of the patent is not  
[25] presently an issue in this case.

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[1] 19 and 20 we believe are objectionable and  
[2] that that's not — those are not the proper way to get  
[3] that information. Now, going back to the substantive  
[4] ones, items — item one will be Davis and Williamson.  
[5] MR. HARRIS: Both?  
[6] MR. PINKERTON: Both.  
[7] MR. PINKERTON: Item two, Davis and  
[8] Williamson. Three is Davis. Four, Davis and Williamson.  
[9] Five, Davis and Williamson. Six, Davis and Williamson.  
[10] Seven and eight are the two items that I identified as  
[11] subjects that we are going to determine the appropriate  
[12] person to designate, and we have not identified those  
[13] persons yet, and we will do so.  
[14] Nine is Bill Davis. 10, 11, and 12, and  
[15] even though 12 is duplicative and we object to that, but  
[16] 10, 11, and 12 will be Davis and Williamson. 13 is  
[17] Davis. 14, Davis and Williamson. 17 will be Jesse  
[18] Williamson.  
[19] MR. HARRIS: Did you mention 14 or did I  
[20] drop it somewhere?  
[21] MR. PINKERTON: Sorry if I missed it. 14  
[22] is Davis and Williamson.  
[23] MR. HARRIS: Okay.  
[24] MR. PINKERTON: What did we get down to?  
[25] 18, that will be Jesse Williamson, and 19 and 20 are the

[1] ones that we have objections to.  
[2] MR. HARRIS: I may have missed another one  
[3] of your objections. I don't have anything noted for 17.  
[4] MR. PINKERTON: Okay. 17 was Jesse  
[5] Williamson.  
[6] MR. HARRIS: All right.  
[7] MR. PINKERTON: And 17 is subject to  
[8] change. That — Jesse can provide some testimony on  
[9] that. He might not have all of the details.

EXAMINATION

BY MR. HARRIS:

[12] Q: Good morning, sir.  
[13] A: Good morning, Mr. Harris.  
[14] Q: Mr. Davis, would you go through the formality of  
[15] putting your name on the record and your address?  
[16] A: I'm Bill Davis and I reside at 1126 Tipton Road  
[17] in Irving, Texas. 75060 is the zip.  
[18] Q: Where are you employed, Mr. Davis?  
[19] A: I'm employed by Williamson Printing Corporation,  
[20] 6700 Denton Drive in Dallas, Texas.  
[21] Q: What is your current position or title?  
[22] A: I'm vice president of engineering.  
[23] Q: Have you held that title for some time?  
[24] A: Yes, sir, since about the mid '80s, since about  
[25] '87.

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[1] Q: Am I correctly guessing that you were employed  
[2] by Williamson before that?  
[3] A: Yes, sir, since April of 1974.  
[4] Q: And from whence did you come in April of '74?  
[5] A: I was employed by another large printer in the  
[6] Dallas area. I began my career in printing in 1954 at  
[7] old Crozier Tech High School very nearby here, and after  
[8] a couple of years in the service I became permanently  
[9] employed or fully employed in the printing industry  
[10] working for a couple of small printers, this large  
[11] printer firm and for about 10 years prior to coming to  
[12] work at Williamson Printing Corporation.  
[13] Q: After the Crozier tech period — and how long  
[14] was that period, by the way? I'll just withdraw the  
[15] first part. How long were you at Crozier Tech?  
[16] A: I graduated about '57.  
[17] Q: Did they give some kind of a degree or  
[18] recognition on your graduation?  
[19] A: A high school diploma.  
[20] Q: Did you have the opportunity to work that, to go  
[21] on for any so-called higher education?  
[22] A: No, sir.  
[23] Q: And so in '57, if you could lead me to April of  
[24] '74 by employment, I'd appreciate it?  
[25] A: After graduation I worked about a year at a



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[1] nearby grocery store and then I went into the United  
[2] States Coast Guard for two years and was honorably  
[3] discharged in late 1960 and was employed by Kissell  
[4] Printing from '60 to '61 and was employed by the Eagan  
[5] Printing Company during '60 — part of '61 and '62 into  
[6] '63, and I went to work for The Riverside Press —  
[7] Q: Back up just a minute. Now, here's where I —  
[8] in '61 to '63 with who?  
[9] A: I was with — '62 to '63, I'm sorry.  
[10] Q: Okay. So '62 to '63?  
[11] A: I was with Eagan Printing.  
[12] Q: E-a-g —  
[13] A: A-n.  
[14] Q: — a-n.  
[15] A: Yes, sir.  
[16] Q: All right.  
[17] A: And I was employed by The Riverside Press in  
[18] '63, late '63, September, I think.  
[19] Q: And then were you there until '74?  
[20] A: That is correct.  
[21] Q: And over the period of time prior to arriving at  
[22] your '74 job with Williamson Printing, what did you do in  
[23] the way of work duties?  
[24] A: I was a pressman.  
[25] Q: So you came to Williamson with approximately 15

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[1] years of experience as a pressman; is that right?  
[2] A: Yes, sir.  
[3] Q: And is that what you started off as at  
[4] Williamson?  
[5] A: Yes, sir.  
[6] Q: And when did a change of duties and work come  
[7] about at Williamson?  
[8] A: After a couple of years I was asked to help take  
[9] care of the equipment and the facility.  
[10] Q: Was that the principal job at the time?  
[11] A: Yes, sir.  
[12] Q: What was involved in taking care of the  
[13] equipment, if you can kind of generalize it?  
[14] A: Making repairs to presses and other equipment  
[15] and project management when a press would be installed.  
[16] Q: And then were there other changes before you  
[17] became vice president in the mid '80s?  
[18] A: The company experienced quite a bit of growth  
[19] and I began to hire additional people to help me in the  
[20] efforts. I was the first supervisor of maintenance, then  
[21] later a maintenance manager. Prior to the mid '80s or  
[22] '87, I believe, was designated as a vice president.  
[23] Q: That was probably the date you became vice  
[24] president of engineering?  
[25] A: Yes, sir, that's correct.

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[1] Q: And did this maintenance job or heading —  
[2] actually you headed up the effort at maintenance, right?  
[3] A: Yes, sir, that's correct.  
[4] Q: Did that continue until '87?  
[5] A: Yes.  
[6] Q: I think you're aware that this controversy that  
[7] brings us here today does involve a patent and you're a  
[8] co-patentee listed?  
[9] A: Yes, sir.  
[10] Q: Or a co-inventor listed on that patent. And I  
[11] trust the patent is assigned to the company?  
[12] A: Yes, sir.  
[13] Q: How much experience have you had with getting  
[14] your patents?  
[15] A: This patent was the first patent I was involved  
[16] in getting issued.  
[17] Q: How much experience have you had in the design  
[18] of machinery?  
[19] A: I have designed several belt folders for use in  
[20] producing a patented product we have call PacMag. We  
[21] built that in our shop. I designed a prefolder for use  
[22] on one of our web presses and a handful of smaller inline  
[23] finishing equipment for our web presses.  
[24] Q: What did you say — designed a what for the web?  
[25] A: A prefolder.

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[1] Q: First you mentioned belt folder.  
[2] A: Yes, sir.  
[3] Q: And then you mentioned a second thing, and I  
[4] goofed that.  
[5] A: Yes, sir, it's a prefolder for use inline with a  
[6] large — or with a web press. This, in fact, was a half  
[7] size press.  
[8] Q: Were you involved in some way in the development  
[9] of what your company calls the WIMS process?  
[10] A: No, sir.  
[11] Q: Was that altogether Mr. Williamson?  
[12] A: Mr. Williamson and Gary Dowdy, I believe were  
[13] involved with that.  
[14] Q: Would you tell me who Gary Dowdy is insofar how  
[15] he fits into Williamson or how he did, if he's not there  
[16] any more?  
[17] A: Gary was a manager at a subsidiary called  
[18] Classic Color Corporation.  
[19] Q: And he did what there?  
[20] A: He was a manager.  
[21] Q: Do you know if he's still there?  
[22] A: No, sir, he is no longer employed by the  
[23] corporation.  
[24] Q: Okay. Was there any controversy one way or the  
[25] other about his leaving or did he just find something

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(1) else to do?

(2) A: I'm not aware of that.

(3) Q: Do you recall that the last three digits of what  
(4) your company calls the WIMS process, the last three  
(5) digits of the patent are 976?

(6) A: That would be —

(7) Q: I may refer to it that way sometimes or I may  
(8) refer to it as WIMS, but when I refer to WIMS I mean the  
(9) 976 process, what's described there.

(10) A: Yes, sir.

(11) Q: Have you carefully read that patent?

(12) A: Yes, I have.

(13) Q: Have you practiced the WIMS patent?

(14) A: My company has.

(15) Q: When did you first practice the WIMS process?

(16) A: I'm not sure about the dates because I was not  
(17) involved in the concept.

(18) Q: Did there come a time that you practiced the  
(19) WIMS process, though?

(20) A: I did not. I was not a pressman or involved in  
(21) production.

(22) Q: Is not the WIMS process a prepress process?

(23) MR. PINKERTON: Object to form.

(24) THE WITNESS: You really couldn't have the  
(25) WIMS process if you didn't eventually print the film you

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(1) generated, and that's integrating gold and silver, gold  
(2) and/or silver metallics with four-color process.

(3) Q: (By Mr. Harris) I believe you're telling me  
(4) that the whole thing would be useless and mean nothing if  
(5) you didn't print?

(6) A: Yes, sir, that's correct.

(7) Q: Okay. Other than everybody realizing that, is  
(8) there anything in the 976 patent, the WIMS process, that  
(9) isn't prepress?

(10) MR. PINKERTON: Object to form.

(11) THE WITNESS: Well, it — in the abstract I  
(12) believe it calls for printing. It says and print, and  
(13) that certainly involves a press.

(14) Q: (By Mr. Harris) Is that what the WIMS process  
(15) is about, printing as such?

(16) A: Yes, sir, the product you produce is a printed  
(17) product.

(18) Q: Isn't in the WIMS process what you really  
(19) produce is a series of, if you like photographs, from  
(20) which plates are made?

(21) A: Well, our customers want to buy printed  
(22) products. They could care less how the film is generated  
(23) or what the plates look like.

(24) Q: But that's what — I didn't let you finish,  
(25) Mr. Davis, you go ahead.

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(1) A: Our customers are looking for a printed product,  
(2) and so you have to complete the process you must print  
(3) it.

(4) Q: Now, what special steps do you take while you  
(5) print this that you wouldn't take printing anything?

(6) MR. PINKERTON: Object to form.

(7) THE WITNESS: Well, the sequence of colors  
(8) are critical. The metallic colors being opaque in nature  
(9) must be printed upstream of the process colors.

(10) Q: What type of process would a printing process  
(11) would be utilized?

(12) A: Offset lithography.

(13) Q: And that would be true of all stations on this  
(14) 976 if one were practicing the 976, would it not?

(15) A: No, you could print it a number of ways. You  
(16) could print it letter press, flexography, graveer, as  
(17) long as you print gold and silver upstream and the  
(18) printed images are integrated into the four-color  
(19) process, it could be printed a number of ways.

(20) Q: Do you want to withdraw your answer lithography?  
(21) You answered lithography a minute ago.

(22) A: That would be the preferred way because it's the  
(23) most available.

(24) Q: I see.

(25) A: Or it was —

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(1) Q: If one skilled in the art — I'm sorry. If one  
(2) skilled in the art of printing read that patent and was  
(3) going to try to practice the process, would he be apt to  
(4) select — most likely be apt to select the lithography  
(5) process?

(6) MR. PINKERTON: Object to form.

(7) THE WITNESS: I suppose he might.

(8) MR. PINKERTON: Counsel, let me interpose  
(9) an objection to this entire line of questioning. I don't  
(10) see how this is at all relevant to the issue in this  
(11) lawsuit, which is inventorship of the 363 patent, not the  
(12) 976 patent. So I'm going to object to any further  
(13) questioning along this line. It's really a waste of time  
(14) and suggest that we go to relevant areas.

(15) MR. HARRIS: We'll certainly try to do  
(16) that. We certainly want to keep you happy.

(17) MR. PINKERTON: Thanks.

(18) MR. HARRIS: And we want to —

(19) MR. PINKERTON: Well, it's a question of  
(20) time. We're wasting time on issues that aren't in the  
(21) lawsuit.

(22) MR. HARRIS: Well, I believe that there is  
(23) a lot of testimony, people talking about WIMS one and  
(24) WIMS two and we had the WIMS process and we did that.  
(25) Your position is understood thoroughly as being

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[1] preposterous.

[2] **MR. PINKERTON:** Well, the objection is on  
[3] the record. We think —

[4] **MR. HARRIS:** That's fine.

[5] **MR. PINKERTON:** — this is irrelevant and  
[6] suggest that we don't waste any more time.

[7] **MR. HARRIS:** I object to you characterizing  
[8] it as wasting time, so we both have an objection on the  
[9] record. I consider that an obstruction to a pretty  
[10] straightforward examination. Of course, with the  
[11] background and everything, you know, if there's going to  
[12] be no mention in this whole lawsuit of that patent and  
[13] the so-called WIMS process, well, then I would agree with  
[14] you. If we can make that agreement now that WIMS will  
[15] not be mentioned.

[16] **MR. PINKERTON:** That has nothing to do with  
[17] my objection. WIMS probably will be mentioned in the  
[18] lawsuit, but your questioning is directed toward an  
[19] entirely different approach, not as background, but with  
[20] other intentions. Those are —

[21] **MR. HARRIS:** You don't know what my  
[22] intentions are.

[23] **MR. PINKERTON:** Got a pretty good idea.

[24] **MR. HARRIS:** No.

[25] **MR. PINKERTON:** Okay. In any event, it's

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[1] irrelevant. Your line of questioning is irrelevant and  
[2] that's what we've objected to. There's nothing other  
[3] than that. It's just — it's irrelevant. We think it's  
[4] a waste of time.

[5] **MR. HARRIS:** Well, you're on the record as  
[6] saying that. You have your objection.

[7] **MR. PINKERTON:** Thank you.

[8] **MR. HARRIS:** And I still think without  
[9] being too nasty about it that it is ridiculous in the  
[10] context of that. Would you like to — I can go ahead.  
[11] We have objections reserved, of course, until time of  
[12] trial and I may have to — if you want to go see the  
[13] judge and stop it now, I'd love to go with you.

[14] **MR. PINKERTON:** Well, we have a problem  
[15] here because we've just got —

[16] **MR. HARRIS:** I'd love to go with you. You  
[17] want to go over there now or do you want to get on with  
[18] this.

[19] **MR. PINKERTON:** I'll do whatever you want  
[20] to do, Bill. I have an objection and it's on the record,  
[21] okay. We have a limited time frame for depositions  
[22] nowadays. It's appropriate to not burden the parties  
[23] with extra time and expense and burden this witness with  
[24] unnecessary testimony. WIMS' background, you want to  
[25] establish background, fine, do it and let's move on,

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[1] okay.

[2] This line of questioning, though, we think  
[3] to belabor it is irrelevant. So the objection is on the  
[4] record. I'm not instructing this witness not to answer.

[5] **MR. HARRIS:** I understand.

[6] **MR. PINKERTON:** I'm just saying we have a  
[7] relevancy problem here. We have a time concern.

[8] **MR. HARRIS:** I've already asked him. He  
[9] said ask you to stipulate that 976 is irrelevant.

[10] **MR. PINKERTON:** We won't stipulate to that.  
[11] That's not what we're talking about here.

[12] **MR. HARRIS:** Well, you said that twice.

[13] **MR. PINKERTON:** This patent —

[14] **MR. HARRIS:** I have a hard time separating  
[15] the line that you're drawing.

[16] **MR. PINKERTON:** Okay.

[17] **MR. HARRIS:** Well, let's see what we do.  
[18] We'll go on.

[19] **Q:** (By Mr. Harris) I would ask how the WIMS  
[20] process is conducted, just what is it in reasonable  
[21] detail?

[22] **A:** Well, the first step is to create film suitable  
[23] for making printing plates, and that step includes  
[24] creating a gold and/or silver negative and the standard  
[25] four color process negatives, black, blue, red, yellow,

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[1] and then making printing plates from those and printing  
[2] those on a multicolor press and that comprises the WIMS  
[3] process once you print those images on a sheet, and you  
[4] can print gold and/or silver or both.

[5] **Q:** Does the WIMS process as its explained in the  
[6] patent, description of the patent, say anything about  
[7] making the plates?

[8] **A:** I don't recall that detail.

[9] **Q:** You don't know either way?

[10] **A:** I don't — I don't know.

[11] **Q:** And does it state anything about a preference  
[12] for the type of printing news, whether it be lithography  
[13] or whatever else?

[14] **MR. PINKERTON:** Objection. Asked and  
[15] answered.

[16] **MR. HARRIS:** That's almost a good  
[17] objection.

[18] **MR. PINKERTON:** I like that one.

[19] **MR. HARRIS:** I'm pleased to see you have a  
[20] good one occasionally.

[21] **MR. PINKERTON:** As good as the other one.

[22] **THE WITNESS:** I don't —

[23] **Q:** (By Mr. Harris) Don't remember?

[24] **A:** Don't remember that. I'm not sure I've read  
[25] that.

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[1] Q: Not sure what?  
[2] A: I'm not sure that I remember that from the  
[3] patent.  
[4] Q: But you have read the patent carefully?  
[5] A: Yes, sir.  
[6] Q: When did you first read it?  
[7] A: I think some time in 1992. It was, as I recall,  
[8] the end of the development of that and we were looking  
[9] for a better way to do that and Jesse Williamson had come  
[10] up with an idea for a better way to do it, and I became  
[11] involved with him and we conceived the so-called 363  
[12] patent at that time.  
[13] Q: In 1992?  
[14] A: In June of 1992 after Jesse returned from a trip  
[15] to Germany where he saw the advantages of printing  
[16] metallics and other coatings with an anilox roller using  
[17] a chamber and doctor, I believe at that time. That's  
[18] when we conceived the improved or we — was called WIMS  
[19] two and we later called it Litholux.  
[20] Q: So when did you start practicing as Litholux?  
[21] MR. PINKERTON: Object to form.  
[22] THE WITNESS: The first actual inline was  
[23] done in late '95, September of '95. We did simulated  
[24] reductions back in early '95, and that's to say we would  
[25] run the gold or silver metallic through a press and then

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[1] run back through printing the process, images on top of  
[2] that sheet.  
[3] Q: (By Mr. Harris) When is the first time you did  
[4] that?  
[5] A: At Heidelberg, Germany on one of their  
[6] demonstration presses in late January of 1995. I believe  
[7] it was around the 20th.  
[8] Q: If I refer to that as a two-pass practice,  
[9] you'll understand what I mean?  
[10] A: Yes, sir.  
[11] Q: How — well let me be sure I understood you  
[12] right to begin with. It's fair to say that what you  
[13] believe as the date of conception is in 1992 is some time  
[14] after Mr. Jesse Williamson returned from Germany; is that  
[15] correct?  
[16] A: Yes, sir, that's correct.  
[17] Q: And what was your part in the conception?  
[18] A: Jesse came to me and said that he had seen  
[19] demonstrated a printing of metallics at the end of a  
[20] press using an anilox roller and a chamber doctor and how  
[21] much more brilliant they were than printed with offset  
[22] lithography. And he said how can we adapt that to our  
[23] WIMS process because the gold and silver are much more  
[24] brilliant than what we can print with offset lithography.  
[25] And he talked about the dedicated station

[1] that they had at the end of the M.A.N. Roland press and  
[2] at that time manufacturers weren't really willing to put  
[3] a dedicated station up front.  
[4] He talked about if we had a rack above the  
[5] press and we could drop a coating head between any unit,  
[6] talked about a bolt-on device kind of like a Townsend  
[7] T-head, which was — made a smaller bolt-on device that  
[8] let you print a second color.  
[9] And I said, well to my knowledge there was  
[10] a large number of rack back retractable coating devices  
[11] available from a number of people, and that that would be  
[12] the best way to do that is just modify a rack back and,  
[13] you know, utilize an anilox roller and a chamber doctor  
[14] and place that against the blanket cylinder of any  
[15] printing unit, and I think we would have a workable  
[16] concept there that would be — that would be better and  
[17] be improved over what we'd had heretofore.  
[18] Q: How long did it take you to do that?  
[19] MR. PINKERTON: Objection to form.  
[20] Q: (By Mr. Harris) Talking about you?  
[21] A: We talked about it off and on for, I think a  
[22] couple of weeks and sketched stuff out and sat in the  
[23] conference room up front there and sketched up stuff on  
[24] different pads and just discussed in general about what  
[25] was available.

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[1] I checked at that time, as I said there was  
[2] a number of manufacturers who built the rack back units  
[3] that we felt could be modified for use in interstation  
[4] printing and we knew we would have to have, of course,  
[5] some kind of drying system because you don't have much  
[6] time there from one printing to the next. You would have  
[7] to have an interstation drying system.  
[8] We'd already tested an interstation drying  
[9] system from a company in England called Technodry on our  
[10] Gamori presses some time in the early '90s or late '80s  
[11] we had tested that with some success. So we knew that  
[12] was doable. Those were the things we needed to —  
[13] Q: The drying?  
[14] A: Yes, sir.  
[15] Q: You said for a couple of weeks, you mentioned  
[16] some drawings or sketches is what you said. So what did  
[17] you do with those?  
[18] A: I don't know. I don't know that we kept any of  
[19] those. We felt we had the concept of modified rack back  
[20] retractable with an anilox roller and that was the  
[21] concept, and that was a workable concept.  
[22] Q: Do you have any sketches now to go back to that  
[23] period?  
[24] A: No, sir.  
[25] Q: Have you looked?

[1] A: I have looked through my files and don't have  
[2] anything.  
[3] Q: And then let me go again as to what you did —  
[4] ask you again as to what you did to follow up with this  
[5] concept, if anything?  
[6] A: As I recall, we obtained some prices for just  
[7] end of press devices and looked over the market of what  
[8] was available and who could build that equipment.  
[9] Q: And what?  
[10] A: Who could build that equipment, who had the —  
[11] who had retractable coating devices available.  
[12] Q: Sir, were you able to design that equipment?  
[13] MR. PINKERTON: Objection to form.  
[14] THE WITNESS: Well, the design was our  
[15] conception.  
[16] Q: (By Mr. Harris) What?  
[17] A: The design was our conception.  
[18] Q: Were you able — were you able to build what you  
[19] conceived?  
[20] A: We looked into doing that but decided it would  
[21] be more efficient to employ someone to build our design.  
[22] Q: How long did you look into it, sir?  
[23] A: I guess for several months and we decided that  
[24] because of the age of our existing equipment and we had a  
[25] plan to renew all our presses, that we would wait until

[1] we had newer equipment that was more updated, more  
[2] modern  
[3] and higher speeds, and we began looking for new equipment  
[4] to replace all the equipment in our press room as early  
[5] as '92 or '93, late '92, early '93, and culminated that  
[6] by purchase — the largest purchase of Heidelberg  
[7] equipment in a single plant, I was told, that had been  
[8] made in the United States.  
[9] We completely took out all seven of our  
[10] existing presses and put in five new high speed  
[11] multicolor Heidelberg presses.  
[12] Q: Well, they don't give those away, do they?  
[13] A: No, sir.  
[14] Q: That's Heidelberg company that's, I guess, in  
[15] Heidelberg, Germany?  
[16] A: Yes, sir.  
[17] Q: That's Gootenberg country, isn't it?  
[18] A: Not too many miles from his home in Mines.  
[19] Q: Did you make any effort at all to personally  
[20] either supervise the construction of the type of a device  
[21] you were talking about or to do it yourself within the  
[22] Williamson company?  
[23] A: No.  
[24] Q: Why, sir, is it you were looking at end of press  
[25] units?  
A: No one built an interstation device at that

[1] time.  
[2] Q: The concept that you've talked about, did you  
[3] believe that it applied to a dedicated first-press unit?  
[4] A: It could have.  
[5] Q: Well, did it or didn't it?  
[6] A: There was several ways to accomplish. The most  
[7] expedient practical was a retractable interstation  
[8] coating device with an anilox roller.  
[9] Q: Was it your thought that you might buy the end  
[10] of press unit and then try to modify it in house?  
[11] A: We considered that. That was a possibility.  
[12] Q: But didn't do it?  
[13] A: No.  
[14] Q: Now, is it fair to say that the primary business  
[15] and the big thrust of the business for Williamson is  
[16] printing, that it's a big printing company?  
[17] A: That is correct.  
[18] Q: And that it's not a mechanical engineering  
[19] company as such?  
[20] A: We do a lot of unique products for our  
[21] customers, and that's part of why we have the name we do,  
[22] and so it's not unusual for us to modify or make  
[23] something to satisfy the unique requirements of our  
[24] customers.  
[25] Q: Well, that's interesting. Can you give me an

[1] example or so?  
[2] A: Well, the built folders I mentioned prior to  
[3] that.  
[4] Q: Uh-huh.  
[5] A: And —  
[6] Q: The prefolders for you?  
[7] A: The prefolder.  
[8] Q: What else?  
[9] A: Some of those other items like that, some inline  
[10] devices for web presses.  
[11] Q: What's an inline device?  
[12] A: Any device that lets you perform an operation as  
[13] the press is running inline.  
[14] Q: Well, who are you sending these things to or  
[15] selling them to?  
[16] MR. PINKERTON: Object to form.  
[17] MR. HARRIS: I think I'll ask it again.  
[18] Q: (By Mr. Harris) What — you mentioned customers  
[19] and you were supplying things to customers, are these  
[20] items you mentioned being supplied to customers?  
[21] A: Yes.  
[22] Q: All right. And what type of customers? I  
[23] thought you printed.  
[24] A: A large number of customers.  
[25] Q: Well, do they —

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[1] A: Cigarette manufacturers, car manufacturers.  
[2] Q: Do they reprint after they get things from you?  
[3] A: No, these are — we use these devices to produce  
[4] printed products for — unique printed products for our  
[5] customers.  
[6] Q: But you do that in your plant, don't you?  
[7] A: Yes, sir, that's correct.  
[8] Q: And it's a special service printing job that you  
[9] do, isn't it?  
[10] A: Yes, sir.  
[11] Q: And it's still fair to say that that by no means  
[12] is what the mainstream of Williamson's business is. If  
[13] you had to characterize it, you would characterize it as  
[14] being a first-rate printing operation?  
[15] A: That's correct.  
[16] Q: What did Mr. Gary Dowdy have to do with the 976  
[17] or the WIMS process while he was with Classic Color?  
[18] A: I'm not aware of that.  
[19] Q: You did mention that Mr. Dowdy worked some with  
[20] or for Mr. Jesse Williamson in relation to that process,  
[21] did you not?  
[22] A: Yes, sir.  
[23] Q: What was it he did?  
[24] A: I don't know.  
[25] Q: Okay. Do you know that because Mr. Williamson

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[1] told you so or Mr. Dowdy told you so?  
[2] A: No, sir, I'm just not aware of what part he  
[3] played in the patent.  
[4] Q: Have or has Williamson — strike that.  
[5] If I mention a Ferris wheel coater  
[6] interstation would you know what I was talking about,  
[7] probably?  
[8] A: Yes, sir.  
[9] Q: All right. Does your company still use a Ferris  
[10] wheel coater interstation?  
[11] A: We have two of those units on two of our  
[12] multicolor presses.  
[13] Q: Do you have some other units, interstation units  
[14] that are mounted that perform the same function as the  
[15] Ferris wheel interstation units?  
[16] A: No.  
[17] Q: So those are the two — only two interstation  
[18] coaters you have?  
[19] A: That is correct.  
[20] Q: Do you use them from time to time?  
[21] A: Sparingly.  
[22] Q: But you do use them from time to time?  
[23] A: Yes.  
[24] Q: I would like to get back to whether your  
[25] conception as you see it, whether your conception

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[1] included a dedicated station?  
[2] MR. PINKERTON: Object to the —  
[3] MR. HARRIS: Up front.  
[4] MR. PINKERTON: Object to the question. I  
[5] think we've already been over that.  
[6] THE WITNESS: The final design of our  
[7] conception utilized a rack back retractable or modified  
[8] rack back or some type of way to place an anilox roller  
[9] at the blanket cylinder of an upstream printing unit.  
[10] Could you do it with an upstream dedicated  
[11] station, sure. Any time you put the anilox roller under  
[12] a flexography plate mounted on the blanket cylinder, you  
[13] can do the process.  
[14] Q: (By Mr. Harris) If I could hold it there, we  
[15] could do it?  
[16] A: Yes, sir, absolutely.  
[17] Q: Okay. Do you know when you undertook the filing  
[18] of a patent application that finally became the 363  
[19] patent?  
[20] A: Began in January, I believe, of '95.  
[21] Q: Was — firm-wise was Jones, Day your lawyers?  
[22] A: Yes, sir.  
[23] Q: And was Mr. Pinkerton the responsible lawyer on  
[24] that or was some other specialized lawyer involved?  
[25] A: Mr. Al Hall, as I recall.

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[1] Q: And did you also deal with Mr. Pinkerton?  
[2] A: Yes, sir.  
[3] Q: Well, it's a fact, is it not, that you weighted  
[4] from your conception in 1992 whatever date you're going  
[5] to tell me, if you have an exact date, from then until  
[6] that January time you just mentioned before you started  
[7] the preparation of a patent application?  
[8] A: That's correct.  
[9] Q: Is it not true that only at about the time or  
[10] shortly before the time of your application for the 363  
[11] that you first became aware of a coater that you thought  
[12] would do the job to go interstation?  
[13] MR. PINKERTON: Object to form.  
[14] THE WITNESS: There was several coaters  
[15] dating back to the early '90s that would do the job. A  
[16] number of coaters would do the job, as long as they  
[17] employed an anilox roller with a chamber doctor.  
[18] Q: Why didn't you get one of them, sir?  
[19] A: As I stated before, we had an aging fleet of  
[20] presses. We wanted to put this equipment on the newest,  
[21] faster, better presses that were available, and we  
[22] planned on replacing all our older machines, and that  
[23] investigation into what presses to put in our press room  
[24] to replace them with took precedent over any  
[25] modifications to any equipment.

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[1] Q: Sir, is it fair to say that you're telling me  
[2] that there were off-the-shelf items that would do the  
[3] job?  
[4] A: There were coaters that were available that if  
[5] they were modified to meet our concept, our design  
[6] concept and mount interstation, they would do the job.  
[7] Q: Sir, there weren't any available that were so  
[8] modified?  
[9] A: That is correct.  
[10] Q: And the first one you were aware of came from  
[11] Printing Research, did it not, sir?  
[12] A: As we asked them to build it, yes.  
[13] Q: Who did you ask?  
[14] A: Starting back as early as mid June we talked to  
[15] Steve Baker on a trip we made to Atlanta and later on to  
[16] John Bird and numerous others, series of meetings we had  
[17] with them stating our requirements to meet our needs for  
[18] an interstation coater with anilox roller and  
[19] interstation drying.  
[20] Q: Mr Baker a designer?  
[21] A: I don't know.  
[22] Q: He was a salesman, wasn't he?  
[23] A: To my knowledge, yes.  
[24] Q: Mr Bird is kind of a hybrid, wasn't he?  
[25] MR. PINKERTON: Object to form.

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[1] THE WITNESS: I don't know what you mean by  
[2] hybrid.  
[3] Q: (By Mr. Harris) Well, he was a little bit of a  
[4] salesman and he also was somewhat of a tinkerer, I  
[5] believe?  
[6] A: I think John Bird has some patents with his name  
[7] on them, yes.  
[8] Q: That version is about right?  
[9] MR. PINKERTON: Object to form.  
[10] THE WITNESS: Well, I — I wouldn't call  
[11] him a tinkerer. I think that would be belittling him.  
[12] Q: (By Mr. Harris) Well, I'm not trying to  
[13] belittle him, you know, tinkerer, tailor, whatever maker.  
[14] MR. PINKERTON: Object to form. I guess  
[15] that's not a question.  
[16] MR. HARRIS: That's not a question.  
[17] MR. PINKERTON: Good.  
[18] Q: (By Mr. Harris) Have you talked to Mr. Bird  
[19] lately?  
[20] A: I visited with John Bird previously when he did  
[21] the deposition here a few weeks ago.  
[22] Q: Before that?  
[23] A: I called him and asked him if he would discuss  
[24] this matter with Bob Falk.  
[25] Q: Did you see him after that and before the

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[1] deposition?  
[2] A: I think John was — came to town maybe once  
[3] between then and the deposition, I might have — yeah, I  
[4] believe I saw him briefly.  
[5] Q: And just what was it that you — you said you  
[6] told Baker something and you told Bird something. What  
[7] did you tell Baker and what did you tell Bird?  
[8] A: Well, we — we asked if they could modify a  
[9] retractable or rack back coating device they had, which  
[10] used an anilox roller for interstation use and could they  
[11] build an interstation drying system to go with that.  
[12] Q: And they — they were kind of in the middle of  
[13] an interstation drying system for you anyway, then,  
[14] weren't they, or getting to that point?  
[15] A: On the new equipment they had quoted a  
[16] substantial amount of drying equipment, both end of press  
[17] and interstation.  
[18] Q: Let's go to the steakhouse in Atlanta. What's  
[19] its name?  
[20] A: Martin's Steakhouse.  
[21] Q: Good. When were you there?  
[22] A: Mid June, I believe the 12th was the date.  
[23] Q: And that's the first time that you are aware of  
[24] that you feel you mentioned something about this concept  
[25] to PRI; is that true?

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[1] A: Yes.  
[2] Q: And so what specifically at that time did you  
[3] tell Baker?  
[4] A: We said that to improve a previous process we  
[5] had a patent for we needed to print flexography upstream  
[6] of lithography on one of our multicolored presses. And  
[7] to do that we needed a retractable coating printer —  
[8] coater printer device that used an anilox roller and  
[9] would be easily placed against the blanket cylinder of an  
[10] offset lithographic printing unit and would — could  
[11] transfer coatings and various materials there to the  
[12] substraight from that flexographic plate.  
[13] Q: Mr. Davis, was that all you told him about this  
[14] subject? I don't mean about some other —  
[15] A: Well, and the fact that we had to have  
[16] interstation drive, which we had literature from Printing  
[17] Research talking about their plate blanket coater and  
[18] interstation drying systems and various other systems  
[19] they had available to us. They were — we were there  
[20] because they were trying to sell us some of their  
[21] equipment.  
[22] Q: And go back to my question. Excepting or not  
[23] including the interstation dryers and any other equipment  
[24] outside of the scope of printing improvement, is that all  
[25] you told Mr. Baker?

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[1] MR. PINKERTON: Objection to form.  
[2] THE WITNESS: I guess that's all I recall.  
[3] Q: (By Mr. Harris) That's all you are ever  
[4] required to testify to is what you recall. I don't like  
[5] witnesses who testify things — to things they don't  
[6] remember.  
[7] MR. PINKERTON: Bill, while you're  
[8] thinking, why don't we take a short break. We have been  
[9] going about an hour or so. Is that appropriate?  
[10] MR. HARRIS: Okay.  
[11] VIDEOGRAPHER: We're off the video record,  
[12] 10:35, tape one.  
[13] (Recess taken)  
[14] VIDEOGRAPHER: We're on the video record,  
[15] 10:57, tape one.  
[16] (Deposition Exhibit 1 marked)  
[17] Q: (By Mr. Harris) Would you look at the document,  
[18] please, that has been marked Davis 1. For the record,  
[19] would you identify what it is, please?  
[20] A: A copy of the so-called 363 patent.  
[21] Q: 363 being an abbreviation?  
[22] A: Yes, sir.  
[23] Q: Referring to patent 5,630,363?  
[24] A: Yes, sir.  
[25] Q: Showing yourself and Mr. Williamson as an

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[1] inventor?  
[2] A: That's correct.  
[3] Q: Mr. Jesse Williamson?  
[4] A: Yes, sir.  
[5] Q: And looking at the front, generally what kind of  
[6] press is shown?  
[7] A: Appears to be a Heidelberg Speedmaster.  
[8] Q: And how is that configured, generally?  
[9] A: Appears to be five printing units and a  
[10] downstream dedicated tower coater with extension  
[11] delivery.  
[12] Q: Now, 54, the unit marked 54 by numerals in the  
[13] lead line, is that the coater?  
[14] A: No, sir, that's the feeder.  
[15] Q: That's the feeder.  
[16] A: That's correct.  
[17] Q: And so which way does the sheet pass through?  
[18] A: If you started at 54, the sheet would end its  
[19] trip through the press at number 68 in the delivery of  
[20] the press.  
[21] Q: And so it's shown here interstation between, I'm  
[22] sorry, the unit we were discussing previously, the  
[23] retractable unit or whatever you might call it, is shown  
[24] here mounted on 56 between 56 and 58; is that true?  
[25] A: Yes, that's true.

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[1] Q: Now, why is another unit shown in dotted lines  
[2] on 58?  
[3] A: We wanted to be able to print any of the  
[4] interstation locations on a press.  
[5] Q: And that is for the purpose of showing it could  
[6] go other places?  
[7] A: Yes, sir, that's correct.  
[8] Q: Now, by talking about it could we turn over to  
[9] figure two on the second sheet?  
[10] A: Uh-huh.  
[11] Q: What — what is figure two, what does it show?  
[12] A: That shows Jesse and I's design concept for an  
[13] interstation retractable coating unit with an anilox  
[14] roller and even depicts the interstation drying here,  
[15] item number 50 as shown there.  
[16] Q: You did the actual design on the unit that's  
[17] identified in figure two as number 43?  
[18] MR. PINKERTON: Object to form.  
[19] THE WITNESS: Well, that's our design  
[20] concept, that system there.  
[21] Q: (By Mr. Harris) Is it your design, though? Is  
[22] that your mechanical design?  
[23] A: The details of how it was put together was left  
[24] up to Printing Research.  
[25] Q: 43 is said in column six to be a coater

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[1] apparatus with a coater head 44 and that is — that is  
[2] the so-called Ferris wheel coater, is it not?  
[3] A: Yes.  
[4] Q: And you don't — when you get down to the  
[5] specific design, you don't claim to have designed the  
[6] Ferris wheel coater, do you?  
[7] MR. PINKERTON: Object to form.  
[8] THE WITNESS: Not the detail of how this  
[9] was put together, no.  
[10] Q: (By Mr. Harris) The Ferris wheel movement, sir,  
[11] did you design that?  
[12] A: Not that detailed, no.  
[13] Q: What is 48? Can you tell me what it is, just  
[14] looking at it?  
[15] A: It looks to be a lever.  
[16] Q: What is it for?  
[17] MR. PINKERTON: Objection. Form. Counsel,  
[18] I think —  
[19] THE WITNESS: I'm not sure.  
[20] MR. PINKERTON: Is describing the path  
[21] probably the best thing to do —  
[22] MR. HARRIS: I'm examining this witness and  
[23] I'm getting tired of you taking my time.  
[24] MR. PINKERTON: I am not taking your time.  
[25] I'm making an objection —



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[1] MR. HARRIS: Okay. Well, make your  
[2] objection. You don't have to say why in great detail.  
[3] MR. PINKERTON: You're the one who's  
[4] wasting our time, and the objection is on the record.  
[5] MR. HARRIS: Naughty. Naughty.  
[6] THE WITNESS: 48, to your question, is  
[7] described in the patent as a pivotal connection that  
[8] connects the coater head with the remainder of the  
[9] assembly.  
[10] Q: (By Mr. Harris) Do you know who drew figure  
[11] two?  
[12] MR. PINKERTON: Object to form.  
[13] THE WITNESS: I believe —  
[14] MR. HARRIS: What is the form that's wrong  
[15] about that? That's an absolutely direct question.  
[16] That's what I'm talking about, about the waste.  
[17] MR. PINKERTON: It's an objection to form.  
[18] It's a vague — vague, general, and indefinite question.  
[19] MR. HARRIS: Oh, it's not.  
[20] THE WITNESS: Al Hall or one of his  
[21] associates drew figure two.  
[22] Q: (By Mr. Harris) What did he have to go by?  
[23] A: He had a simplistic drawing that I had received  
[24] from Printing Research that didn't have much detail in  
[25] it, and he has placed the detail, the anilox roller and

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[1] various other items.  
[2] Q: (By Mr. Harris) Have you been able to determine  
[3] a date that you had what you called your concept in 1962?  
[4] MR. PINKERTON: Objection, Bill. 1992?  
[5] MR. HARRIS: Yeah, 1992. I'll go with that  
[6] one.  
[7] Q: (By Mr. Harris) 1992?  
[8] A: I would have to say about the second week of  
[9] June of that year. By that time we had done all of the  
[10] brainstorming and thought processes we needed to come up  
[11] with that design conception.  
[12] Q: What persons could witness this other than you  
[13] and Jesse Williamson?  
[14] A: I don't know.  
[15] Q: Do you remember anybody who was present when you  
[16] made the sketches you spoke of?  
[17] A: No, I don't.  
[18] Q: Consider the year 1993, what actions did you  
[19] take in 1993 on this project furthering the conception,  
[20] if any?  
[21] A: I think other than to look at devices that were  
[22] available, albeit end of press devices that were  
[23] available that we thought could be modified, I think  
[24] we — that probably was the only action taken.  
[25] Q: Do you have any drawings or letters or

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[1] statements or brochures or anything to show the things  
[2] that you considered in 1963 —  
[3] MR. PINKERTON: Objection.  
[4] Q: (By Mr. Harris) — 1993? I'll never make it.  
[5] A: I don't recall, although we may have — I just  
[6] don't recall anything right offhand.  
[7] MR. PINKERTON: Let me just state for the  
[8] record in terms of documents we produced you documents,  
[9] and so the time frame is covered in the documents that we  
[10] produced. What specifically is there, as far as dates,  
[11] he might not be able to recall, but the documents are all  
[12] there.  
[13] Q: (By Mr. Harris) Is that your testimony?  
[14] MR. PINKERTON: That's counsel's testimony.  
[15] I'm stating that for the record. We have produced the  
[16] documents that we're aware of.  
[17] Q: (By Mr. Harris) We'll take what we can get.  
[18] I just want to be certain that you don't  
[19] recall having seen in recent years any kind of a document  
[20] that relates to this concept or the furtherance of doing  
[21] something into this concept in 1993?  
[22] A: I believe we did get some proposals from some  
[23] people and I'm —  
[24] Q: Sir, I'm asking you if you have seen them or  
[25] recall seeing them within recent time?

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[1] A: I believe so, that we had looked at some. I  
[2] think we, in fact, got some proposals from Printing  
[3] Research for various pieces of equipment that they  
[4] manufacture.  
[5] Q: In 1963 —  
[6] A: '93.  
[7] Q: It's hopeless. In 1993?  
[8] A: Yes, sir.  
[9] Q: Anybody else?  
[10] A: I had — there were some brochures from Dolwin  
[11] Manufacturing, from I believe IBC, I believe Oxidrive  
[12] built a unit at that time. There was a handful of people  
[13] we were looking at.  
[14] Q: These were basically end of press units, right?  
[15] A: That's correct, that we considered could be  
[16] modified.  
[17] Q: Are you telling me that sitting there now you  
[18] can't testify firmly that you did such things in '63 —  
[19] or that you don't remember for sure what you did in '63  
[20] or you just don't know when you made your contacts  
[21] exactly?  
[22] MR. PINKERTON: Object to form.  
[23] THE WITNESS: I'm not sure —  
[24] Q: (By Mr. Harris) I have repeatedly said '63, I  
[25] mean '93.

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[1] A: I'm not sure, but I know we did get some  
[2] literature and information from several manufacturers in  
[3] that time frame, yes, we did.  
[4] Q: What time frame?  
[5] A: In 1993.  
[6] Q: I thought you would say '63. I understand '93  
[7] is your —  
[8] A: Yes, sir.  
[9] Q: Referring to the literature that you just  
[10] mentioned, Mr. Davis, did you tell one or more of those  
[11] submitting the literature to you that you wanted to go  
[12] interstate?  
[13] A: No, we didn't.  
[14] Q: Was there some reason, sir?  
[15] A: We weren't ready to go with an interstation, our  
[16] concepted device, until we had replaced the equipment in  
[17] our press room, and we weren't about to put new auxiliary  
[18] equipment on our aging fleet of printing presses at that  
[19] time. That's why we held off and waited until we shopped  
[20] that equipment, got proposals, tested presses, and then  
[21] purchased the equipment ultimately in 1994.  
[22] Q: At the time in the steakhouse in Atlanta with  
[23] Mr. Baker did you ask Mr. Baker to keep the information  
[24] you were telling him in confidence?  
[25] A: I believe we did in that to keep it confidential

[1] project, on this matter?  
[2] A: I believe so.  
[3] Q: When?  
[4] A: I can't recall. There was a series of several  
[5] meetings and different people were in and out of those  
[6] meetings. I don't recall specifically all of the people  
[7] involved. I know that Bird and Baker were definitely  
[8] involved from a sales standpoint.  
[9] Q: Do you have any documentation of the Baker  
[10] meeting or any documentation of — well, do one at a  
[11] time. Do you have any documentation of the Baker  
[12] meeting?  
[13] MR. PINKERTON: Baker meeting?  
[14] Q: (By Mr. Harris) In Atlanta at the steakhouse?  
[15] A: We have an expense report from Jesse Williamson.  
[16] He bought the meal that night.  
[17] Q: Did somebody draw the concept on the back of the  
[18] bill?  
[19] A: Unfortunately, I guess not, I don't know. I  
[20] don't think so.  
[21] Q: Okay. Do you have any documentation of any kind  
[22] of the meeting with Mr. Bird and Mr. Baker that took  
[23] place after that, the one you just described?  
[24] A: Well, there was a series of meetings, and I  
[25] believe Mr. Bird had a daytimer that he had some records

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[1] to his company, I believe, I think we did ask him to —  
[2] that it was confidential.  
[3] Q: To what other persons before Mr. Baker do you  
[4] recall making a disclosure of your concept?  
[5] A: I don't recall who we might have spoke to, I  
[6] don't have a recollection of that.  
[7] Q: When did you make a disclosure, if at all, to  
[8] Mr. Bird?  
[9] A: After our trip back from Atlanta, I think in  
[10] probably July or August. We were out of the country part  
[11] of July, so I guess it may have been in August.  
[12] Q: Did you draw any sketches for Mr. Bird?  
[13] A: I don't recall doing so.  
[14] Q: Did he draw any sketches?  
[15] A: Don't believe so.  
[16] Q: Was Mr. Baker present?  
[17] A: Yes, he was. There was a series of meetings  
[18] from August on through until, I believe early '95 where  
[19] this topic was discussed with those two gentleman and  
[20] others at Printing Research.  
[21] Q: Were you working with them on this project?  
[22] A: We were instructing them what we wanted them to  
[23] build for us. We had a concept design and we wanted them  
[24] to put that together and build the apparatus necessary.  
[25] Q: Did you ever speak with Mr. DeMoore on this

[1] of a series of meetings that we had at Williamson to  
[2] discuss this and other equipment needs that we had.  
[3] Q: How do you know he has such a daytimer?  
[4] A: I believe I said in the deposition that he  
[5] presented those.  
[6] Q: He what?  
[7] A: I said in a deposition where he presented his  
[8] daytimer records of the meetings that I'm talking about.  
[9] Q: Did you otherwise know that he kept any kind of  
[10] record?  
[11] A: I don't believe so, no.  
[12] Q: Are those the only records you have for the  
[13] early meetings with Mr. Bird?  
[14] MR. PINKERTON: Object to form with regard  
[15] to early meetings. Are you talking about this whole time  
[16] period, Bill, August to —  
[17] MR. HARRIS: August to the first of the  
[18] year.  
[19] MR. PINKERTON: Okay. That is what he is  
[20] talking about.  
[21] THE WITNESS: I think there might have been  
[22] some letters passed back and forth. Either way, I can't  
[23] recall exact dates, but I think we did have some  
[24] correspondence, but I'm not sure.  
[25] Q: (By Mr. Harris) Let me try again on this one.

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[1] I don't think I made it crisp before. Why did you wait  
[2] so long — or take long out and say, why did you wait  
[3] from June more or less of '92 until about January of '95  
[4] to undertake the seeking of patent protection?  
[5] A: Well, I guess the decision was that we didn't  
[6] want to put auxiliary equipment on our aging fleet of  
[7] presses. We didn't want to put any new auxiliary coaters  
[8] on equipment that was going to be replaced. We weren't  
[9] sure when we would culminate that purchase of those  
[10] presses, and so with capital equipment the decision was  
[11] to hold up until we had a new press — a pressroom full  
[12] of new presses that would be more suitable for putting  
[13] the auxiliary equipment on.  
[14] Q: When did you acquire the presses?  
[15] A: We made an agreement to purchase the new presses  
[16] in, I believe July or August, some time mid 1994.  
[17] Q: From Heidelberg?  
[18] A: Yes, sir.  
[19] Q: Did you also purchase other presses?  
[20] A: No, sir.  
[21] Q: Have you purchased presses since then?  
[22] A: Yes, sir.  
[23] Q: You mentioned having a number of presses. I  
[24] don't know whether it was six or seven earlier in your  
[25] testimony, correct?

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[1] A: Yes, sir.  
[2] Q: How many?  
[3] A: We had seven.  
[4] Q: Are those all new presses now?  
[5] A: We replaced the seven with five new presses. In  
[6] '98 we removed three of those and put in three new  
[7] presses over a period of '98 and '99, and we are adding a  
[8] sixth press at this time.  
[9] Q: Did you ever design a coater yourself?  
[10] A: No.  
[11] Q: Do you know if the expense report has been  
[12] produced for the Baker trip? That is — I call it the  
[13] Baker trip, it was the trip to Atlanta where you met with  
[14] Baker at the steakhouse?  
[15] A: To my knowledge it has not.  
[16] MR. HARRIS: We would like to request that,  
[17] please.  
[18] MR. PINKERTON: We will produce that. I  
[19] think it went on Jesse Williamson's charge card, so  
[20] you'll have it for Jesse's deposition for sure.  
[21] Q: (By Mr. Harris) Is it your testimony, then,  
[22] that it all boils down to you trying to save getting a  
[23] patent, a patent application on something you might never  
[24] use, was that it?  
[25] A: No, we certainly plan to use the invention.

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[1] Q: Was it not so that you had to wait a  
[2] considerable period of time from when you got the press  
[3] or presses until you had a unit to do a final test on and  
[4] to do production on?  
[5] MR. PINKERTON: Object to form.  
[6] THE WITNESS: I didn't understand the  
[7] question.  
[8] Q: (By Mr. Harris) How long was it — well, when  
[9] was your first press delivered from Heidelberg to your  
[10] order?  
[11] A: September of '94.  
[12] Q: September of '94. Was it one that was suitable  
[13] for an interstage coater?  
[14] A: Yes, it was.  
[15] Q: So any time from September of '94 on, you could  
[16] have placed a coater on a unit of yours, a press unit, if  
[17] you'd cared to, an interstation coater between the first  
[18] and second units?  
[19] A: That's correct.  
[20] Q: But as a matter of fact, it was almost a year  
[21] after that or more than a year after that before you were  
[22] able to get a coater that could be tested or operated  
[23] between the first and second units?  
[24] MR. PINKERTON: Object to form.  
[25] THE WITNESS: Our choice for a press to put

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[1] it on was based on the number three press coming in,  
[2] unique capability down stream and it already — it was in  
[3] the plan to have an interstation drawing system on it for  
[4] sure because of the unique capabilities of that press.  
[5] Q: (By Mr. Harris) You are telling me you used  
[6] another press other than the one that came in in  
[7] September of '94, you used another press for the  
[8] interstation coater; is that right?  
[9] A: That is correct.  
[10] Q: And when did it come in, this other press?  
[11] A: It started up in March of '95.  
[12] Q: But the other unit could have been used to do  
[13] the test work and so on, correct, could have been?  
[14] A: For interstation.  
[15] Q: For interstation?  
[16] A: Yes.  
[17] Q: Do you recall that Printing Research delivered  
[18] both a short and a long arm coater to you?  
[19] A: Yes, I do.  
[20] Q: And I probably call — I'll probably call the  
[21] long arm and the short arm by another name if I can come  
[22] up with it because those confuse me. Which was the one  
[23] that was finally mounted interstation?  
[24] A: The long arm device.  
[25] Q: All right. So if I call that the interstation

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[1] unit you would know the one I was talking about?

[2] A: Sure.

[3] Q: And the short arm was not mounted in an  
[4] interstation sense, was it?

[5] A: That's correct.

[6] Q: Could you explain to me, sir, what the purpose  
[7] of the short arm device was?

[8] A: It was a very manually operated prototype  
[9] equipment, and we were told by Printing Research it would  
[10] be best to have it at the end of the press so it would be  
[11] easy to work on because it was really a developmental  
[12] device and a lot of work was required to tweak and get it  
[13] to perform at the end of the press.

[14] Q: Were any tests run on it after it was installed  
[15] on the printing unit with it installed?

[16] A: Yes, sir.

[17] Q: Would you describe, please?

[18] A: We did tests almost immediately after the unit  
[19] was installed in the form of a demonstration to some  
[20] people from Europe, members of the printing trade press  
[21] corp came and our friends in Wolstenholme who make  
[22] coatings was there and did a — did a simulated  
[23] reduction, that is a two-pass method of doing our WIMS  
[24] process.

[25] That took place, I think, right at the

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[1] first of March of 1995, seems like the dates on that  
[2] letter, I think was about the 4th, maybe the 4th. 3rd  
[3] or 4th.

[4] Q: Is that what you described earlier as the first  
[5] two-pass experiment or a job that you had run?

[6] A: I believe so, yes.

[7] MR. PINKERTON: Counsel, let me state for  
[8] the record, that's going to result in an inconsistency.

[9] That's contra to his previous testimony, and I think he's  
[10] confused on that point, if you want to clarify it.

[11] THE WITNESS: The first done under our  
[12] roof. That was the first two-pass process we did at  
[13] Williamson Printing. I thought you meant on that coater.

[14] Q: (By Mr. Harris) But that's also the first one  
[15] you did at Williamson?

[16] A: That is correct.

[17] Q: Now, you testified to something, I believe,  
[18] about Heidelberg, too?

[19] A: Yes, sir.

[20] Q: And that was probably what counsel confused you  
[21] about being confused on.

[22] A: You were discussing the short arm device. I  
[23] thought you were —

[24] MR. HARRIS: No, I'm talking to him now,  
[25] not you. I understand you.

[1] MR. PINKERTON: If you were asking about

[2] with that short arm device, that's fine. I thought you  
[3] were talking about any two-pass simulation, Bill.

[4] Q: (By Mr. Harris) Well, I think that was done by  
[5] you?

[6] A: That's correct.

[7] Q: As you regard at Williamson. March 4, '95,  
[8] still a good date?

[9] A: Yes.

[10] Q: Where was the other one accomplished, the  
[11] Heidelberg?

[12] A: It was done in Heidelberg, Germany in mid to  
[13] late 1995.

[14] Q: Wait a minute, mid to late 1995?

[15] A: Excuse me, mid to late January of '95. I  
[16] think —

[17] Q: You're getting my '63 fever now.

[18] A: It's catching. About the 20th, I believe.

[19] Q: Who ran the coater in the March two-pass that  
[20] you described?

[21] A: The coater operation we were assisted — our  
[22] pressman was assisted by, I believe, Terry Britton from  
[23] Printing Research.

[24] Q: Isn't it fair to say that if you want to focus  
[25] on the coater, isn't it fair to say that Terry Britton

[1] ran the coater?

[2] A: Terry Britton and I believe Steve Person were  
[3] both training our operators on the operation of the  
[4] coater.

[5] Q: So they were actively involved?

[6] A: That's correct.

[7] Q: What kind of a product did you get out of this  
[8] March '95 demonstration?

[9] A: It was a good result.

[10] Q: Was it something done with a showing to the  
[11] public in mind or more specifically like a showing at  
[12] DRUPA?

[13] MR. PINKERTON: Object to form.

[14] THE WITNESS: We were showing the press  
[15] corp from Europe initially a demonstration of WIMS for  
[16] our supplier partner, Wolstenholme, showing the use of  
[17] the WIMS process with conventional offset lithography,  
[18] and then as a little bit of a final demonstration there,  
[19] we showed what could be done when you employed flexo  
[20] using that process with flexography involved.

[21] Q: (By Mr. Harris) Was any of the product utilized  
[22] to every show — show ever after or any time after?

[23] A: I don't recall that, no. I'm sure we saved  
[24] samples. We always do, I think, not always but  
[25] sometimes, you know, until the samples run out, so we

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[1] probably saved some samples.

[2] Q: Do you recall seeing your product brought over  
[3] by John Bird and/or Baker that was a single pass coating  
[4] made by flexo on the last unit some time in 1994? Do you  
[5] want that read back?

[6] A: I vaguely remember some something printed on a  
[7] heavy board stock or something like that, I believe.

[8] Q: It would be, I think a white, I don't have great  
[9] knowledge on it, but a white material or a gold or  
[10] silver?

[11] A: Yes, I barely remember that, but I think I  
[12] remember that.

[13] Q: Do you remember Bird or Baker in connection with  
[14] it?

[15] A: I believe so.

[16] Q: And was there anybody else that was connected  
[17] with it?

[18] MR. PINKERTON: Objection to form.

[19] THE WITNESS: I don't recall.

[20] Q: (By Mr. Harris) Were you — can you put a date  
[21] on when you saw this thing that you remember rather  
[22] dimly?

[23] A: No, I can't.

[24] Q: If I ask you to choose between '94 and '95,  
[25] could you do so?

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[1] A: I would say late '94.

[2] Q: You heard the Bird deposition about Rexham and  
[3] about Lapamarta, do you recall?

[4] A: Yes, sir, I do.

[5] Q: Do you know anything about that Rexham test?

[6] A: No, sir, I don't.

[7] Q: It wasn't done at your instigation, was it?

[8] A: No, sir.

[9] Q: It wasn't done at your company's instigation, to  
[10] your knowledge, was it?

[11] A: No.

[12] Q: Do you know Lapamarta?

[13] A: No, sir, I don't.

[14] Q: Was the Bird deposition the first time you had  
[15] heard his name?

[16] A: I believe so. I think so.

[17] Q: Do you know who was involved in the dealings  
[18] that culminated in three interstation Ferris wheel type  
[19] devices being delivered to Williamson?

[20] A: Myself and Jesse Williamson, I believe pressroom  
[21] manager Jim Johnson, and I'm not sure who else.

[22] Q: As you recall it, what was the deal from a  
[23] dollar and cents point of view?

[24] MR. PINKERTON: I object to form, Bill.

[25] Again, you are talking about the deal between Williamson

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[1] and Printing Research for the purchase of those machines?

[2] MR. HARRIS: That's right.

[3] MR. PINKERTON: Okay.

[4] THE WITNESS: I believe we had a deal where  
[5] the first coater was installed at no charge, the second  
[6] at half, and the third at full price, so you got three  
[7] coaters for the price of one and a half coaters is what  
[8] it amounted to.

[9] Q: (By Mr. Harris) Can you tell me if you know the  
[10] rationale for you getting a free coater and a half price  
[11] coater?

[12] A: Well, one of the issues was with the supplier of  
[13] press equipment, Heidelberg. They really didn't want to  
[14] put any of Printing Research's equipment on their  
[15] presses. Their drying systems were also handled that  
[16] way, and they — I think that Printing Research was  
[17] trying to get us to try the equipment, give us some  
[18] incentives to try their equipment.

[19] Q: Was Heidelberg their competitor?

[20] A: No, they're a press manufacturer.

[21] Q: What was the interest in keeping Printing  
[22] Research away, then?

[23] A: They have certain suppliers of choice. For  
[24] drying systems typically it would be graphics and IST and  
[25] they prefer to use the German suppliers. That connection

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[1] goes all of the way back to Germany, I suppose.

[2] Q: What about coaters?

[3] A: I think the objection there was just — it was  
[4] somewhat of an innovative location for it and there was  
[5] already a coater at the end of the press, that's as I  
[6] recall. I don't — they just during the warranty period  
[7] they would prefer that you not put anything outside the  
[8] ordinary on their equipment.

[9] Q: Was that discussed between you or the group of  
[10] you from Williamson and whoever you were dealing with  
[11] from Printing Research?

[12] A: I believe it was.

[13] Q: And you said, well, if you'll pay us enough  
[14] money — or I beg your pardon, I'm backward. If you'll  
[15] sell it cheap enough or make a good enough deal, we'll  
[16] take some kind of a risk? I don't understand what the  
[17] risk was you were taking.

[18] A: I don't know that we said if you'll build it  
[19] cheap enough, but I think Printing Research is the one  
[20] that offered the incentive to purchase the equipment.

[21] Q: May be, I don't know. Do you know?

[22] A: I don't recall.

[23] Q: Have you bought any more coaters from them,  
[24] interstation coaters?

[25] A: From Printing Research?

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[1] Q: Yes.  
[2] A: No, we haven't.  
[3] Q: You said you still had two. Where did you get  
[4] them?  
[5] A: The two that we have are part of the original  
[6] three.  
[7] Q: So you still have them and are using them some  
[8] after five or four years — four or five years; is that  
[9] right?  
[10] A: That's right.  
[11] Q: And you haven't gone elsewhere to get an  
[12] interstation coater?  
[13] A: No  
[14] Q: Does anyone have an off-the-shelf item that they  
[15] can sell to you to accomplish that purpose, that is the  
[16] interstation coating in the manner we have described,  
[17] except for Printing Research?  
[18] A: I'm not aware of any.  
[19] Q: Who represented Printing Research in the  
[20] dealings?  
[21] MR. PINKERTON: Again, Bill, object to  
[22] form. Are you talking about the dealings again on  
[23] purchase of the interstation coaters?  
[24] MR. HARRIS: Thank you. That's a really  
[25] good clarification.

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[1] THE WITNESS: I believe Mr. DeMoore and  
[2] John Bird and Steve Garner, I think were involved.  
[3] Q: (By Mr. Harris) Did the deal materialize out of  
[4] Bird or somebody else bringing a deal that involved a  
[5] free coater if PRI could use the coater or provide the  
[6] coater and use it on the press?  
[7] MR. PINKERTON: Object to form. Vague and  
[8] ambiguous.  
[9] Q: (By Mr. Harris) Do you want me to try again?  
[10] A: I don't recall how that — why don't you restate  
[11] your question.  
[12] Q: Okay. What I'm trying to find out is if —  
[13] okay. What I'm trying to find out is if some kind of a  
[14] trade was made between the companies such that PRI would  
[15] be permitted to try out the coater on the equipment, the  
[16] multi unit or color equipment with an interstation  
[17] coater, if the coater were supplied free?  
[18] A: I think it was our understanding that there  
[19] would be some developmental time necessary because it was  
[20] a new device, a unique mounting of a coater, but I don't  
[21] recall any specifics or any details of those or how that  
[22] was done.  
[23] Q: Are you telling me that may have been, but if so  
[24] it was general?  
[25] MR. PINKERTON: Object to form.

[1] THE WITNESS: I just don't recall how it  
[2] came about.  
[3] MR. HARRIS: I have been advised that it's  
[4] tape time.  
[5] VIDEOGRAPHER: We're off the video record,  
[6] 11:48, tape one.  
[7] (Lunch recess)  
[8] VIDEOGRAPHER: We're on the video record  
[9] 1:39, tape two.  
[10] Q: (By Mr. Harris) As to your conception of the  
[11] 363, as you see it, did you tell anyone at PRI or  
[12] Printing Research other than Bird and Baker about your  
[13] conception, and if so, when did you first do so?  
[14] MR. PINKERTON: I think we've already had  
[15] some testimony on that, Bill, but I'll let him go ahead  
[16] and answer again.  
[17] MR. HARRIS: The life of the law is  
[18] repetition.  
[19] THE WITNESS: I believe we may have told  
[20] Steve Garner also.  
[21] Q: (By Mr. Harris) Anybody else?  
[22] A: I don't recall.  
[23] Q: When do you think you may have told Steve  
[24] Garner?  
[25] A: Some time in our meetings in 1994, I guess

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[1] after — I'd say after August at some point. There were  
[2] others that we —  
[3] Q: Well, what others?  
[4] A: We had to have discussed it with people who were  
[5] in those meetings, probably Howard DeMoore, Ron  
[6] Rendleman, I think.  
[7] Q: When?  
[8] A: I don't know. I know Mr. Rendleman came into  
[9] the plant to measure the pressroom and our new equipment  
[10] for fitting the device we had asked them to build on to  
[11] the press. So that's probably late '94 or early '95.  
[12] Q: Who else?  
[13] A: At Printing Research, that's all I can recall  
[14] right now.  
[15] Q: That reminds me to ask you the question of who  
[16] else did you tell that wasn't in your own company or in  
[17] Printing Research either?  
[18] A: Well, our supplier of coatings, a fellow named  
[19] Harry Bowyer, B-o-w-y-e-r, from Wolstenholme in  
[20] Manchester, England. We had talked to him about that  
[21] because —  
[22] Q: Harry who?  
[23] A: Bowyer, B-o-w-y-e-r. We had talked to Harry  
[24] about that. He had been with Jesse in Europe and had  
[25] seen the demonstration of the anilox roller, and I

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[1] believe in the fall of '92 he came over and we  
[2] discussed — he was keen on making special coatings for  
[3] us with large particle sizes of metal and then to be able  
[4] to produce a more brilliant product.  
[5] Q: Well, what did you tell him?  
[6] A: We told him about our invention, the  
[7] flexographic printing upstream of lithography and the way  
[8] we'd do it, a retractable device, chamber doctor, anilox  
[9] roller, interstation drying, told him about what we had  
[10] in mind. I'm sure we talked to Gary Dowdy, because I  
[11] remember him being excited about the fact that we had  
[12] come up with a way to improve the WIMS process, which he  
[13] was intricately involved in.  
[14] Q: When did you talk to Gary Dowdy?  
[15] A: Some time in the summer of 1992, I believe.  
[16] Q: When did he leave the company?  
[17] A: It was several years after that. I don't recall  
[18] the exact timing.  
[19] Q: So he was still with the company?  
[20] A: Yes, sir.  
[21] Q: I had asked for those that weren't with the  
[22] company, but I'll take it. I am correct, reading you  
[23] correct, am I not, that Gary Dowdy was still with your  
[24] company at the time that you made this —  
[25] A: Yes, sir.

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[1] Q: — disclosure to him?  
[2] A: Yes, sir.  
[3] Q: Did you have other discussions with him after he  
[4] left the company?  
[5] A: I don't recall seeing Gary but a couple of times  
[6] since he left.  
[7] Q: Is the answer then no?  
[8] A: Yes, sir.  
[9] Q: Anyone else?  
[10] A: That's all I can think of.  
[11] Q: When was Howard DeMoore told?  
[12] A: Had to be in the fall of '94 in the meetings we  
[13] had — he and John Bird and Steve Garner and myself and  
[14] Jesse in some of those series of meetings we discussed at  
[15] length what our requirements were to do our process.  
[16] Q: And what were those requirements that you  
[17] stated?  
[18] A: Well, we needed a retractable coater that had an  
[19] anilox roller and chamber doctor and we needed to be able  
[20] to present that roller to the blanket cylinder of an  
[21] offset lithographic printing press unit and it needed to  
[22] be capable of handling different coatings and  
[23] flexographic inks, needed to be able to apply those with  
[24] anilox roller to a flexographic printing plate, we needed  
[25] interstation drying. We talked about the ability to

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[1] change the roller easily and quickly. That was — would  
[2] be of benefit.  
[3] Q: What else?  
[4] A: That's all I can think of right now. We talked  
[5] at length about the process and how it worked and why we  
[6] were doing this to get a heavier volume of ink or coating  
[7] in an upstream location flexographically before the  
[8] lithographic printing units on a multicolor press.  
[9] Q: So you in effect say that you stated that it had  
[10] to be retractable but also implied, I guess, from what  
[11] you told me, that it had to be capable of being  
[12] retractable from an interstation location?  
[13] A: That's correct.  
[14] Q: You didn't say that?  
[15] A: Okay. Left that one out, sorry.  
[16] Q: When did you tell Harry Bowyer?  
[17] A: Harry came to our plant, I believe, in the fall  
[18] of '92, some time that fall and visited us. I believe he  
[19] had a technician with him also, and I can't remember  
[20] whether it was — he had a fellow named, believe it or  
[21] not, Ronald McDonald, and he had a fellow named Mike  
[22] Yates, and one or the other of those guys, I believe, was  
[23] with him and, like I said, he was interested in making  
[24] some coatings for us.  
[25] He had worked with us before on developing

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[1] improved metallic lithographic inks, and he was  
[2] interested in doing the coatings for our — to make our  
[3] process work.  
[4] Q: What did you tell him besides your process?  
[5] What did you ask him to do, if anything?  
[6] A: I suppose discussions were that when you have a  
[7] coating that we can try out, we would like you send us  
[8] samples of it for trial.  
[9] Q: But you didn't have the interstation type of the  
[10] line, how could you try it out?  
[11] A: When we had that capability.  
[12] Q: Well, did he keep up with you over the years?  
[13] A: Sure does, yes.  
[14] Q: He did up until you had something?  
[15] A: We have a relationship, and as I stated before  
[16] he had worked with Jesse and our company to improve the  
[17] metallic lithographic printing inks and we had  
[18] communication back and forth on occasion.  
[19] Q: And you still do?  
[20] A: Yes, sir.  
[21] Q: And you did in 1993?  
[22] A: Yes, sir.  
[23] Q: And you talked some more about this in 1993?  
[24] A: I'm sure we did.  
[25] Q: What does I'm sure we did mean? Does it mean

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[1] you're dead sure or does it mean I don't know for  
[2] absolute sure, but it's logical that we did? What do you  
[3] mean by it?  
[4] **MR. PINKERTON:** Object to the form of the  
[5] question.  
[6] **THE WITNESS:** Mr. Bowyer visited our plant  
[7] approximately twice a year to talk about technical things  
[8] do with the lithographic and the new lithographic  
[9] flexographic process after we talked about our invention  
[10] to him in '92 and we discussed where we were with the  
[11] development of the equipment to do that and when we would  
[12] have equipment on our floor to do that process.  
[13] **Q:** (By Mr. Harris) And what did you tell him in  
[14] '93?  
[15] **A:** That we were shopping for presses and that we  
[16] didn't have the capability to print flexographically at  
[17] that time, but we were working on it and that we would  
[18] soon add new presses and we would have a device to do  
[19] that process, our new process.  
[20] **Q:** Could you explain to me the reasoning behind not  
[21] using one of the old presses as something to prove out  
[22] your invention?  
[23] **A:** Well, I think we just didn't want to put a lot  
[24] of time and investment in equipment in some rather old  
[25] tired presses, and when we knew we were going to change

[1] new equipment came in also.  
[2] **Q:** Do you know Bob Emrick?  
[3] **A:** Yes, sir.  
[4] **Q:** Where does he work?  
[5] **A:** He was vice president of manufacturing at  
[6] Williamson Printing.  
[7] **Q:** And where is he now?  
[8] **A:** He's with McCord printing.  
[9] **Q:** You have described on a couple of occasions what  
[10] your conception was — of what yours and Mr. Williamson's  
[11] conception was?  
[12] **A:** Yes, sir.  
[13] **Q:** Is that a description in reasonable detail, is  
[14] that what it is? I need to know what you believe the  
[15] conception was.  
[16] **A:** I believe so.  
[17] **Q:** Okay. If you believe so, tell me, and I'll try  
[18] one more time on it.  
[19] **MR. PINKERTON:** Counsel, we've already  
[20] tried at least two or three times. I object —  
[21] **MR. HARRIS:** It's an important part.  
[22] **MR. PINKERTON:** I'm going to object for the  
[23] record that it's a waste of time. It's been asked and  
[24] answered, redundant and time consuming. Could you ask  
[25] him a specific question?

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[1] those out and that was, I think, part of our reasoning.  
[2] **Q:** Was there some reason that the old presses  
[3] couldn't be used in this manner if they had this proper  
[4] retractable interstation device?  
[5] **A:** I don't know of a specific reason other than —  
[6] **Q:** Do you know of a general reason?  
[7] **A:** — other than the presses were worn and didn't  
[8] operate as efficiently as the new more automated  
[9] equipment would.  
[10] **Q:** You were putting out a good product to the  
[11] public, weren't you?  
[12] **A:** At that time our product was acceptable.  
[13] **Q:** You just have to tell me as to the possibility  
[14] of taking a retractable unit and transferring it from one  
[15] press to another?  
[16] **A:** Is that doable?  
[17] **Q:** Yes.  
[18] **A:** That's doable, yes.  
[19] **Q:** So it would have been possible to take a  
[20] retractable unit off of one of those old worn down  
[21] presses and put it on one of your new Heidelberg?  
[22] **A:** It would be possible, yes. Of course, we were  
[23] looking at considerable investment and the fact is that  
[24] the new auxiliary equipment we purchased was financed by  
[25] Heidelberg, so that was an incentive to wait until the

[1] **MR. HARRIS:** I did. I asked him a detailed  
[2] statement of what the conception was.  
[3] **MR. PINKERTON:** Okay.  
[4] **MR. HARRIS:** I'm not sure that I've ever  
[5] said detailed before.  
[6] **THE WITNESS:** Our conception was a  
[7] retractable rack back or something like a rack back  
[8] device that was mounted interstation that had an anilox  
[9] roller, a chamber doctor, and that would bring the anilox  
[10] roller into contact with a flexographic plate on the  
[11] blanket cylinder of an offset lithographic printing press  
[12] unit and it would also require interstation drying.  
[13] **Q:** (By Mr. Harris) You think that's it?  
[14] **MR. PINKERTON:** Object for the record.  
[15] Again, it's — he's testified about it twice. He's given  
[16] details all of those times. The previous testimony will  
[17] speak, as well as that testimony.  
[18] I think — I want to object to the  
[19] question. It's unclear. You want Jesse Williamson's  
[20] contributions or you want Bill's contributions? There's  
[21] details of all that that he's already testified about.  
[22] Do you want it all again?  
[23] **MR. HARRIS:** Uh-huh. What I did was put  
[24] together their names, and I'm not trying to attribute one  
[25] thing to one and one thing to the other in this



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(1) statement, and I'm just trying to find out what the  
(2) conception is and the statement would detail, reasonable  
(3) detail, of what the conception is.

(4) MR. PINKERTON: Again, it's already been  
(5) asked and answered.

(6) MR. HARRIS: Well, I think it has. All I  
(7) did then is say is there anything else.

(8) MR. PINKERTON: Well, you got a shorthand  
(9) version this time. He's given you lengthy descriptions  
(10) before, and as the day goes on, things get shorter. So  
(11) you keep going back and back and back. And he can  
(12) finally say, you know, well, I conceived the invention of  
(13) the 363 patent. Do you want him to say that?

(14) MR. HARRIS: Do what?

(15) MR. PINKERTON: Conceived the invention of  
(16) the 363 patent.

(17) MR. HARRIS: Do you want to coach your  
(18) witness on the record?

(19) MR. PINKERTON: No, I don't want to at all.  
(20) I'm just saying —

(21) MR. HARRIS: I'm ashamed of you.

(22) MR. PINKERTON: Well, don't be ashamed.

(23) I'm just saying —

(24) MR. HARRIS: Well, you are coaching your  
(25) witness on the record.

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(1) MR. PINKERTON: No, I'm not. You —

(2) MR. HARRIS: Yes, you are.

(3) MR. PINKERTON: — keep asking questions  
(4) over and over again.

(5) MR. HARRIS: Yes, you are.

(6) MR. PINKERTON: No, I'm not.

(7) MR. HARRIS: Yes, you are.

(8) MR. PINKERTON: No, I'm not.

(9) MR. HARRIS: Yes, you are.

(10) MR. PINKERTON: We beg to differ, and my  
(11) objection is on the record. Go ahead, Counsel.

(12) MR. HARRIS: I intend to.

(13) MR. PINKERTON: I know you will.

(14) MR. HARRIS: And please don't coach the  
(15) witness. As a matter of fact, I'm not sure it's a good  
(16) answer.

(17) MR. PINKERTON: I don't think I'm coaching  
(18) him at all.

(19) MR. HARRIS: Well, why did you say do you  
(20) want him to say so and so? Are you saying —

(21) MR. PINKERTON: I'm just saying by the time  
(22) you ask a question five times, okay, a witness kind of  
(23) gets tired of answering you.

(24) MR. HARRIS: I could have asked him nine  
(25) times while you are asking.

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(1) Q: (By Mr. Harris) Was there anything you wanted  
(2) to add to what you stated?

(3) A: I think that was just the best way we conceived  
(4) that it could be done, although we recognized there was  
(5) other methods. You could have used a dedicated station  
(6) or some other way to bolt on a coating head to the  
(7) printing unit, but this seemed to be the best way and the  
(8) most workable in light of what was available at that time  
(9) to us.

(10) Q: I believe you are through now, aren't you?

(11) A: Yes, sir.

(12) (Deposition Exhibit 2 marked)

(13) Q: (By Mr. Harris) What's in front of you now has  
(14) been marked Exhibit 2. It also bears identification or  
(15) Bates numbers W000768 through W000799. Could you, after  
(16) you look it over a bit, would you identify it for me,  
(17) please?

(18) MR. HARRIS: Mr. Falk, did these have tabs  
(19) at one time?

(20) MR. FALK: I believe they did, just  
(21) Exhibits 1, 2, 3, or whatever is mentioned in the  
(22) declaration. I don't have a copy here in front of me.

(23) MR. HARRIS: We may have another one here,  
(24) but I, of course, wouldn't be —

(25) MR. FALK: I'm looking upside down, but it

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(1) appears as though it's got exhibits to it, so it has  
(2) whatever was attached to — was mentioned in here.

(3) MR. PINKERTON: The exhibit isn't tabbed  
(4) with exhibit numbers, I think, is what counsel is saying.

(5) MR. HARRIS: I'm sorry.

(6) MR. PINKERTON: You're just saying that the  
(7) exhibit we have, Exhibit 2 here, doesn't have tabs?

(8) MR. HARRIS: It doesn't have tabs and I  
(9) think we have seen this once before, but it doesn't have  
(10) exhibit numbers, either, marked on it.

(11) MR. PINKERTON: Right.

(12) MR. HARRIS: And that makes it a little  
(13) fumbled, but fumble we will.

(14) MR. PINKERTON: Well, I guess, what, there  
(15) are seven exhibits?

(16) MR. HARRIS: Why don't we worry about them  
(17) as we come to them, if at all.

(18) MR. PINKERTON: Okay.

(19) MR. HARRIS: Sufficient of the day is the  
(20) evil thereof.

(21) MR. PINKERTON: We'll deal with it when we  
(22) have to.

(23) Q: (By Mr. Harris) Tell me when you have inspected  
(24) it.

(25) A: This first part of this exhibit is a joint

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[1] declaration by myself and Jesse Williamson filed in —  
[2] for the reissue of our 363 patent on May the 20th, 1999.

[3] Q: When was the last time you looked over that  
[4] besides just now?

[5] A: I looked over it yesterday or the day before, I  
[6] believe, in looking through the documents pertinent to  
[7] this matter.

[8] Q: Were you working with counsel?

[9] A: I was.

[10] Q: Both the gentlemen here or just one of them?

[11] A: Both from time to time.

[12] Q: Have you made one or two or three trips to  
[13] Washington to try to get this reissue?

[14] A: Just the one.

[15] Q: Are you sure you haven't made two?

[16] A: That I made, yes, sir, just one.

[17] Q: Did you read this declaration at the time you  
[18] signed it?

[19] A: Yes, sir.

[20] Q: Did you read it carefully?

[21] A: As carefully as I could.

[22] Q: Did it seem correct to you?

[23] A: At the time I think it did.

[24] Q: Did it seem haphazard in any way to you?

[25] A: We put this document together in a big hurry and

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[1] later issued a supplemental to correct some of the  
[2] incorrect dates and a few other items in the original.

[3] Q: Did it seem haphazard to you?

[4] MR. PINKERTON: Object to the form of the  
[5] question.

[6] THE WITNESS: I don't know that it was  
[7] haphazard.

[8] Q: (By Mr. Harris) At the time did it seem right  
[9] and complete?

[10] A: I believe so.

[11] Q: I would like to go over some of it with you  
[12] because I know you did make some changes later.

[13] A: Sure.

[14] Q: It was about June of 1994 that you ordered from  
[15] Heidelberg, was it not, or was it?

[16] A: I think it was a little later than that,  
[17] probably July or August.

[18] Q: Okay. Was that information available to you at  
[19] this time?

[20] MR. PINKERTON: Objection.

[21] Q: (By Mr. Harris) At the time of this  
[22] declaration?

[23] A: There was documents that would have probably  
[24] indicated those dates.

[25] Q: Did the installation of the seven-color press

[1] occur in October of '94?

[2] A: I think the press came in in September and was  
[3] started up some time that month, late, late September  
[4] because we say approximately October, so —

[5] Q: And before that time did petitioners and  
[6] Williamson Printing — Williamson Printing researched and  
[7] observed flexographic printing coating systems offered by  
[8] several companies, including Printing Research?

[9] A: Yes, we did.

[10] Q: Could you describe in what manner that before  
[11] that time, approximately October of 1994, that the  
[12] petitioners, Williamson Printing, researched and observed  
[13] flexographic printing and coating systems offered by  
[14] several companies, including Printing Research, and  
[15] specifically focus on Printing Research?

[16] MR. PINKERTON: Object to the form of the  
[17] question, and also previously asked and answered.

[18] THE WITNESS: I believe we observed some of  
[19] this equipment being operated at various trade shows over  
[20] the period prior to '94.

[21] Q: By Printing Research? Look at your sentence,  
[22] sir, please, and just parse it out focusing on the before  
[23] the stated date. If you researched and observed  
[24] flexographic printing coating by Printing Research?

[25] A: We received proposals from Printing Research for

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[1] the coating systems they offered prior to this.

[2] Q: Flexographic printing coating?

[3] A: Well, a coating system by true in nature can be  
[4] flexographic, depending on the plate, the printing plate  
[5] that's used.

[6] Q: Well, then what is your answer? Is that what  
[7] you meant?

[8] A: That we had — just as we stated here, we had  
[9] researched and observed some systems by other  
[10] manufacturers. I think we received literature and  
[11] proposals from Printing Research.

[12] Q: What did they propose?

[13] A: The installation of a rack back coating the  
[14] end-of-press coating device.

[15] Q: Do you think that happened in '94 or '93 or  
[16] when?

[17] A: Over those time periods at various trade shows  
[18] locally and nationally.

[19] Q: In approximately — you say in approximately  
[20] October or November of '94 Printing Research demonstrated  
[21] to petitioner its end of press anilox coating system  
[22] known as the plate blanket coater. This system was  
[23] demonstrated using flexographic blanks, inks, coatings  
[24] and slurries; is that correct?

[25] A: I think that we later found documentation that a

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[1] test took place in December of '94.  
[2] Q: Can you tell me what the source of your October  
[3] and November of 1994 statement is in that sentence?  
[4] A: I believe just going by recollection I still  
[5] believe we were in their plant in October or November,  
[6] but I know that for sure we did an official test of  
[7] materials in December.  
[8] Q: What were you doing in there in October and  
[9] November?  
[10] A: To look at their plate blanket coater.  
[11] Q: Did you watch it flexographic print coat while  
[12] you were in there or just look at the equipment?  
[13] A: Until we did the test in December, I don't  
[14] remember whether we saw an actual demonstration or just  
[15] met with Printing Research to discuss their equipment.  
[16] Q: Well, the demonstration was won by Printing  
[17] Research, correct?  
[18] A: The demonstration —  
[19] Q: It says so at the last line; is that true?  
[20] MR. PINKERTON: The last line on?  
[21] MR. HARRIS: The last line on paragraph one  
[22] of page one, 768.  
[23] MR. PINKERTON: Okay. Mr. Davis, are you  
[24] focusing on that line?  
[25] THE WITNESS: Yes, just a demonstration of

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[1] what it would do, not a test, which is what we were  
[2] looking for.  
[3] Q: (By Mr. Harris) So now you say that that's a  
[4] correct statement; is that right, in approximately  
[5] October or November?  
[6] A: I just remember a test that we directed and sent  
[7] protocol over for over in December for sure. I'm not —  
[8] Q: That would be a more of a certain sort of  
[9] testimony; is that right?  
[10] A: Well, it would be based on some documents we  
[11] found where we had sent a test protocol to Printing  
[12] Research to do a test of materials.  
[13] Q: Do you remember that that test was done partly  
[14] with the so-called Rexham plates?  
[15] A: I believe there was — I'm not sure whether we  
[16] used their plates or not. I know I sent over at least  
[17] three or four flexographic plates, some coatings from  
[18] Wolstenholme, and I believe we used some coatings that  
[19] they had on hand, too, made by Eckhart, sent over a lot  
[20] of paper.  
[21] Q: Is — going to paragraph number three, jump  
[22] number two, in approximately December of 1994 petitioners  
[23] requested Printing Research to design and install on the  
[24] tower coater at the end of Williamson's printings  
[25] seven-color press an experimental flexographic printer

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[1] coater having an anilox roller. Are you familiar with  
[2] that statement?  
[3] A: I'm reading it now. We actually were asking for  
[4] an interstation —  
[5] MR. PINKERTON: Wait a minute. Let him ask  
[6] you a question, Bill. He hasn't asked you a question  
[7] yet.  
[8] Q: (By Mr. Harris) First of all, is that correct  
[9] what is stated in that sentence?  
[10] A: We actually — no, we were actually asking for  
[11] an interstation device. It wasn't an end-of-press.  
[12] Q: And who did you ask to design such a  
[13] flexographic printer coater?  
[14] A: We didn't ask them to design, we asked them to  
[15] build one.  
[16] Q: Well, doesn't it say to design and install?  
[17] A: Well, the design would just be the details of a  
[18] mechanism to retract the device.  
[19] Q: Have you ever been a mechanical designer, sir?  
[20] A: No, sir, I have not.  
[21] Q: So three should properly read a little  
[22] differently; is that right?  
[23] MR. PINKERTON: Well, the first sentence of  
[24] paragraph three is what we've focused on so far, Counsel.  
[25] MR. HARRIS: Yeah.

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[1] MR. PINKERTON: Then that's what you're  
[2] talking about?  
[3] MR. HARRIS: Just the first sentence.  
[4] Fight one tiger at a time.  
[5] THE WITNESS: What was the question again,  
[6] please?  
[7] MR. PINKERTON: Should it read differently.  
[8] Q: (By Mr. Harris) Read the first sentence to  
[9] yourself, if you would, please, sir.  
[10] A: We asked them to build actually an interstation,  
[11] not an end-of-press device.  
[12] Q: And you asked them to design and install; is  
[13] that the correct language?  
[14] MR. PINKERTON: Objection to form. He has  
[15] already testified about that.  
[16] THE WITNESS: We asked them to build the  
[17] device.  
[18] Q: (By Mr. Harris) Did what?  
[19] A: We asked them to build a device that would meet  
[20] our requirements to do our process.  
[21] Q: Well, then you would recant the term design and  
[22] replace it with the term build; is that right?  
[23] A: Manufacture.  
[24] Q: Is that right, sir?  
[25] MR. PINKERTON: I'm going to object to the

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[1] form of the question about rewriting. The sentence — he  
[2] has already asked about having to change it.  
[3] Q: (By Mr. Harris) Is that right, sir?  
[4] MR. PINKERTON: Object to the form.  
[5] THE WITNESS: We asked them to build or  
[6] manufacture the device for an interstation.  
[7] Q: (By Mr. Harris) I want to know if — you told  
[8] me three is not correct because you really were talking  
[9] about an interstation, correct, that's true, isn't it?  
[10] A: That's true.  
[11] Q: And the second thing I'm asking then, is the  
[12] design also incorrect and should it just be build?  
[13] A: Build or manufacture.  
[14] Q: Okay. The next sentence starting this  
[15] experimental printer — well, I'll just read it. Coater  
[16] was different from the plate blanket coater shown in  
[17] figure one of Exhibit 1 and it was installed on the  
[18] downstream side of the tower coater at the end of the  
[19] seven-color press. Now, sir, that is true, isn't it?  
[20] A: Printing Research wanted to build an  
[21] end-of-press coater because it was expedient to do so, to  
[22] work through. It was a very manual device and required a  
[23] lot of refinement and it was easier to get to to work on  
[24] at the end of press. That was their choice.  
[25] Q: And it's true, isn't it, sir, it didn't cost you

[1] Q: In the designation LYL, which I understand to be  
[2] a coater assembly or combination, what does the Y stand  
[3] for? Educate me, please.  
[4] A: It designates — the Germans say LYL  
[5] lacquerwork, meaning a coater and Y, they grunt that, and  
[6] I don't know what they mean, but it means a drying stub,  
[7] and then the L — the last L is for another lacquerwork  
[8] or coater.  
[9] Q: Thank you.  
[10] MR. PINKERTON: Did you get educated?  
[11] MR. HARRIS: Yeah.  
[12] MR. PINKERTON: I like that.  
[13] MR. HARRIS: It's better than my Oklahoma  
[14] English.  
[15] Q: (By Mr. Harris) Is it true that the triple  
[16] tower press, the LYL, arrived in approximately February?  
[17] A: I think it might have been March. I — we  
[18] didn't start the press up until March, I believe. I  
[19] believe that's correct.  
[20] Q: Again, was that one of those best of your  
[21] recollection without papers things?  
[22] A: I think so, yes, sir.  
[23] Q: Going to paragraph five may I read, in  
[24] approximately late January or early February of 1995  
[25] petitioners requested Printing Research to design and

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[1] anything?  
[2] A: To my knowledge. It cost us thousands and  
[3] thousands of dollars worth of hours we lost on press time  
[4] trying to help them perfect this mechanism.  
[5] Q: Well, is it fair to say that they provided the  
[6] coater and you provided the press?  
[7] A: I guess so.  
[8] MR. PINKERTON: Object to form.  
[9] Q: (By Mr. Harris) Is January of '95 the correct  
[10] date for when this experimental printer coater was  
[11] tested?  
[12] A: The actual date, I believe was the end of  
[13] February.  
[14] Q: Do you know where the January date came from?  
[15] MR. PINKERTON: Object to the form. The  
[16] document says approximately January of 1995.  
[17] THE WITNESS: I think we — at the time I  
[18] thought that was the date. After looking up some  
[19] documents, we discovered it was not.  
[20] Q: (By Mr. Harris) But that time you were just  
[21] working out of your head?  
[22] A: That is correct.  
[23] Q: And Mr. Williamson, as far as you know, was  
[24] doing the same. He wasn't looking at documents either?  
[25] A: As far as I know.

[1] install on the first printing station of the triple tower  
[2] press a flexographic printer coater like the experimental  
[3] printer coater installed on the seven-color press.  
[4] Now, sir, would you read that to yourself,  
[5] if necessary, look at it carefully, and tell me if it is  
[6] literally correct, as far as you know?  
[7] A: Well, again we didn't ask them to design. We  
[8] asked them to build or manufacture and we wanted an  
[9] interstation device.  
[10] Q: Well, does that particular sentence say anything  
[11] one way or another about an interstation device except  
[12] for saying the first printing station of the triple  
[13] tower?  
[14] MR. PINKERTON: Object to the form.  
[15] THE WITNESS: Well, it would be implied  
[16] that if it was between two printing units it would be in  
[17] the interstation device, if it doesn't say that.  
[18] Q: (By Mr. Harris) I'm really looking for a little  
[19] guidance this time, sure enough. The triple tower —  
[20] I'll just asked this way. Did you really want it on the  
[21] first unit of the triple tower?  
[22] A: The first printing unit, yes, sir.  
[23] Q: Okay. The first printing station, right, I'm  
[24] with you now of the triple tower press. My confusion is  
[25] the triple tower is at the rear, and — but you took that

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[1] for the name of the press?  
[2] A: What was that again?  
[3] Q: The triple tower is at the rear of the line.  
[4] A: Yes, sir, that's correct.  
[5] Q: What do you think the date was on that?  
[6] MR. PINKERTON: Object to the form. In  
[7] regard to that?  
[8] Q: (By Mr. Harris) Referring to five in the first  
[9] sentence, I'm just trying to get the best dates you've  
[10] got.  
[11] MR. PINKERTON: Object to the form.  
[12] THE WITNESS: It says this unit was  
[13] installed on the seven-color press approximately mid  
[14] March, but we installed the experimental unit on the  
[15] seven-color press tower coater in late February. We  
[16] didn't install an interstation device until about  
[17] September of '95 on the first printing unit of the triple  
[18] tower press.  
[19] Q: This statement, of course, is a serious sort of  
[20] thing you make, and I would think you took it seriously.  
[21] Bearing that it was a sworn sort of thing, to what do you  
[22] attribute the mistake between mid March and — what did  
[23] you say, September?  
[24] A: I think like the next sentence down here says to  
[25] the best of our recollection we were doing this from

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[1] memory in a real hurry to meet a deadline or a reissue  
[2] declaration document.  
[3] Q: I don't see that. I must be missing it.  
[4] A: The next sentence —  
[5] MR. PINKERTON: Object to the form.  
[6] Q: (By Mr. Harris) Where is it?  
[7] A: About two sentences down from mid March '95.  
[8] Q: I am somewhat humbled to say you must help me  
[9] find it. Tell me, please, where it is.  
[10] MR. PINKERTON: I want to object to the  
[11] form. I don't understand when you are asking him to hunt  
[12] for something. He answered a question as to why there  
[13] was some clarifications needed and then you're asking —  
[14] are you asking him to find something?  
[15] MR. HARRIS: Yeah, I thought he said there  
[16] was something on the face of this document that explained  
[17] that this was being done real fast.  
[18] Q: (By Mr. Harris) Did you say that?  
[19] A: No, sir, I said in the middle of paragraph five  
[20] we just said about another matter that to the best of our  
[21] recollection, and that was the case here. We didn't have  
[22] time to research all of the documents and pin the dates  
[23] down exactly.  
[24] Q: All right. I'm not disbelieving that, but I do  
[25] want to ask you why you didn't have the time.

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[1] A: Time constraints.  
[2] Q: Is it time constraints at work? You had too  
[3] much work to do or was it something about the patent or  
[4] what?  
[5] A: We were under a deadline to follow the reissue  
[6] document within the two year limitation.  
[7] Q: Sir, I see these are signed 5 and 20, '99. Do  
[8] you remember when that two-year limitation was up?  
[9] A: I think it was that day, I believe.  
[10] Q: When did the patent issue? I have it here in  
[11] front of me somewhere.  
[12] A: It was '97, May the 20th, 1997.  
[13] Q: He was getting a little close. As a matter of  
[14] interest, I think that's the day this lawsuit was filed.  
[15] MR. PINKERTON: As a matter of fact, a lot  
[16] of things happened on May the 20th, 1999.  
[17] Q: (By Mr. Harris) Could you state what  
[18] specifications or plans or blueprints, if any, did you  
[19] give to Printing Research for them to follow in order for  
[20] them to build or manufacture an interstation  
[21] flexographic — I'm sorry, flexographic printer coater?  
[22] MR. PINKERTON: Object to the form. It's a  
[23] compound question, specifications and drawings  
[24] MR. HARRIS: Well, fine.  
[25] Q: (By Mr. Harris) Your counsel has got a good

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[1] point. What specifications did you give to Printing  
[2] Research for them to follow in order to build or  
[3] manufacture an interstation flexographic printer coater?  
[4] A: We verbally told them about our process and all  
[5] of the various requirements that would be necessary to  
[6] accomplish that process.  
[7] Q: Nothing on paper or in writing?  
[8] A: No, sir.  
[9] Q: What plans did you give to Printing Research for  
[10] them to follow in order to build or manufacture an  
[11] interstation flexographic printer coater?  
[12] MR. PINKERTON: Object to form. Are you  
[13] talking about written or oral?  
[14] MR. HARRIS: See what happens.  
[15] MR. PINKERTON: Object to the form.  
[16] MR. HARRIS: Quit coaching the witness.  
[17] MR. PINKERTON: I'm not coaching. I'm  
[18] objecting to the form of the question. It's vague,  
[19] unless you tell him —  
[20] MR. HARRIS: You are coaching the witness.  
[21] THE WITNESS: We didn't pass any written  
[22] plans on to Printing Research.  
[23] Q: (By Mr. Harris) What blueprints did you give to  
[24] Printing Research for them to follow in order to build or  
[25] manufacture an interstation flexographic printer coater?

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[1] A: We didn't pass on any blueprints.  
[2] Q: Was it Mr. Falk you worked with on the reissue?  
[3] A: Yes, sir.  
[4] Q: When, sir, did you start the task of putting  
[5] something together and with a relation to the reissue?  
[6] A: I believe it was about a week prior to the 20th,  
[7] I think.  
[8] Q: Who contacted you for that purpose?  
[9] A: Who contacted me?  
[10] Q: Yes.  
[11] A: I think we contacted John. Jesse and I  
[12] contacted John and talked about doing a reissue, and I  
[13] think John called us back and said he had something to  
[14] work with on the reissue.  
[15] Q: Were you aware of that two-year rule for  
[16] approving the issue yourself?  
[17] A: Sure.  
[18] Q: How did you become aware?  
[19] MR. PINKERTON: Object to attorney-client  
[20] communications, but — I don't want to waive the  
[21] privilege, so —  
[22] MR. HARRIS: I'm not trying to get you to  
[23] waive.  
[24] MR. PINKERTON: I know you're not. I'm  
[25] just trying to —

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[1] MR. FALK: Off the record.  
[2] (Discussion off the record)  
[3] VIDEOGRAPHER: Off the video record, 2:38,  
[4] tape two.  
[5] (Recess taken)  
[6] VIDEOGRAPHER: We're on the video record,  
[7] 2:54, tape two.  
[8] Q: (By Mr. Harris) Would you turn to paragraph six  
[9] on page three of Exhibit 2. I would like to direct your  
[10] attention to the reference to figure two of the U.S.  
[11] patent 363, last three digits. We looked at that, I  
[12] believe, a minute ago, right?  
[13] A: Yes, sir.  
[14] Q: And we agreed that it was an effort to show the  
[15] coater obtained from Printing Research, true?  
[16] MR. PINKERTON: Object to the form of the  
[17] question as trying to characterize the previous  
[18] testimony.  
[19] Q: (By Mr. Harris) True?  
[20] A: It was an apparatus that was built for us by  
[21] Printing Research.  
[22] Q: That's what's shown in Exhibit 2, right?  
[23] A: Yes.  
[24] MR. PINKERTON: Objection, already asked  
[25] and answered.

[1] Q: (By Mr. Harris) If you'll look it says here  
[2] again — well, it says the last sentence of that  
[3] paragraph reflects a custom made interstation printer  
[4] coater designed at the request of petitioners for a  
[5] petitioners method. Is designed to suggest that it was  
[6] designed by your company or is design to suggest that it  
[7] was merely designed by somebody else but at your request?  
[8] A: Well, the design concept here is depicted in  
[9] figure two and we asked Printing Research to build that  
[10] for us.  
[11] Q: Well —  
[12] A: So that's our design and our concept.  
[13] Q: Do we not have a chicken and the egg problem  
[14] here? Where did the sketch come from in figure two, sir?  
[15] A: From a crude drawing provided by Printing  
[16] Research.  
[17] Q: And did you ask them to make that crude drawing?  
[18] A: I don't believe so. I don't recall.  
[19] Q: Isn't it fair to say, sir, that the design work  
[20] is such, whether or not you requested it, the design work  
[21] was done by Printing Research?  
[22] MR. PINKERTON: Object to the form.  
[23] Q: (By Mr. Harris) I'm talking about for the  
[24] color?  
[25] A: Well, we asked them to build an apparatus so

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[1] that we could do our process and the design was ours to  
[2] place a coater and interstation location to the blanket  
[3] cylinder of a press.  
[4] Q: Who did you ask?  
[5] A: The people we mentioned earlier, Steve Baker,  
[6] John Bird, and various others that attended meetings  
[7] throughout the fall of 1994.  
[8] Q: Did you tell them or anyone else at PRI that you  
[9] were using the material from their brochure in order to  
[10] illustrate an item and a patent application you were  
[11] filing?  
[12] MR. PINKERTON: Object to the form.  
[13] THE WITNESS: I don't recall whether we did  
[14] or didn't. I don't recall.  
[15] Q: (By Mr. Harris) How do you define the term  
[16] design?  
[17] A: Design is when you conceive an idea and come up  
[18] with a workable concept.  
[19] Q: Well, how do you know it's a workable concept?  
[20] A: I think by what you have observed it — that  
[21] works in the past with us, we knew when an anilox roller  
[22] was placed against a flexographic printing plate and a  
[23] cylinder in a press that that worked to get the coating  
[24] or inks on a sheet of paper to do what we wanted to do,  
[25] and just moving that operation upstream what was we feel

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[1] was unique about our process.

[2] Q: So your design was an anilox roller upstream; is  
[3] that right, sir?

[4] A: With a chamber doctor it needed to be  
[5] retractable and needed to be able to apply coatings and  
[6] be positioned against a flexographic printing plate.  
[7] That was our concept.

[8] Q: Do you, sir, take the position that the  
[9] retractable coater as illustrated in figure two, all by  
[10] itself and apart from the press is your invention?

[11] A: That's our concept and design and it's a part of  
[12] our invention.

[13] Q: I said not a part of your invention, sir, I  
[14] asked you if it was your invention?

[15] MR. PINKERTON: Object to the form.  
[16] Argumentative.

[17] THE WITNESS: The detail of how the anilox  
[18] roller is placed against a cylinder was left up to  
[19] Printing Research, that detail. We gave them the  
[20] concept, and the coating head was already in existence.  
[21] I believe the anilox rollers were already in existence,  
[22] chamber doctors were already in existence, and the  
[23] detailed mechanism of how that came into position against  
[24] the blanket cylinder was what we asked them to  
[25] accomplish.

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[1] Q: (By Mr. Harris) Sir, what's illustrated there  
[2] in figure two has the retractable member, all right, sir?

[3] A: Uh-huh.

[4] Q: Is that your invention?

[5] MR. PINKERTON: Object to the form.

[6] Q: (By Mr. Harris) Not the only thing you  
[7] invented, but is that specific thing your invention?

[8] A: That detail was left up to Printing Research.

[9] Q: You didn't give them design specs or anything  
[10] orally on how to do that part, did you?

[11] A: No, sir, no, we did not.

[12] Q: So when you get down to the mechanical aspects  
[13] of the retractable member and mechanism, you do not claim  
[14] that's your invention, do you, sir?

[15] MR. PINKERTON: Objection. I object to the  
[16] form.

[17] THE WITNESS: That's their apparatus. The  
[18] invention is ours placing the roller against a  
[19] flexographic plate cylinder on a blanket cylinder of a  
[20] printing press. That's ours.

[21] Q: (By Mr. Harris) Well, if it be an invention the  
[22] other part of it is their invention; is that right?

[23] MR. PINKERTON: Object to the form.

[24] Let's see if we can clarify the question.  
[25] Will you read the question back, please? I don't know

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[1] what he's asking.

[2] (Read back requested text)

[3] MR. PINKERTON: Object to the form.

[4] Calling for speculation about whether or not there is  
[5] anything inventive in the retraction mechanism.

[6] MR. HARRIS: About what?

[7] MR. PINKERTON: Objection to the form and  
[8] calling for speculation.

[9] MR. HARRIS: Speculation of whether or not  
[10] he has an invention?

[11] MR. PINKERTON: No, not with respect to he  
[12] has an invention. He obviously has an invention.

[13] MR. HARRIS: Does he? He testified  
[14] today —

[15] Q: (By Mr. Harris) Sir, I'm just trying to find  
[16] out if there is anything separable. Is there anything  
[17] there you are giving PRI or is all of it you and Jesse  
[18] Williamson?

[19] A: The detail of the Ferris wheel mechanism was at  
[20] the option of Printing Research. We gave our criteria  
[21] for our concept, and it was up to them to whatever method  
[22] they needed to make a retractable coating unit  
[23] interstation adaptable.

[24] Q: Sir, all I was asking you was — and I want to  
[25] try again. So that Ferris wheel mechanism, as you stated

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[1] it, if it be an invention, is the invention of Printing  
[2] Research?

[3] MR. PINKERTON: Objection to the form and  
[4] calling for speculation on this witness' part and one  
[5] that he is not the appropriate person to ask about an  
[6] invention.

[7] THE WITNESS: That was the method of  
[8] apparatus they chose to do what we asked them to do.

[9] Q: (By Mr. Harris) That was the rocket you asked  
[10] somebody to go to the moon, but hadn't been built yet,  
[11] right, sir?

[12] MR. PINKERTON: Objection to the form.  
[13] Argumentative.

[14] Q: (By Mr. Harris) All I'm asking you, and I'm  
[15] going to ask it again, you said they chose the Ferris  
[16] wheel mechanism. You had nothing to do with that  
[17] specific mechanism, correct?

[18] A: That is correct.

[19] Q: Now, all I'm asking you is: If under the law  
[20] that specific mechanism, as such, qualifies as an  
[21] invention, are you claiming that invention for some  
[22] reason?

[23] MR. PINKERTON: I object again to the form  
[24] of the question. It's asking this witness to make a  
[25] legal conclusion.

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[1] MR. HARRIS: You didn't listen to that  
[2] question, as is often the case, Mr. Pinkerton.  
[3] MR. PINKERTON: I think I did. It's an  
[4] appropriate objection. You couched it in terms of the  
[5] law.  
[6] Q: (By Mr. Harris) That's if under the law.  
[7] MR. PINKERTON: If under the law — object  
[8] to the form.  
[9] Q: (By Mr. Harris) Assume this is the law, okay?  
[10] That's what I'm telling you. If under the law it  
[11] qualifies, then do you claim it for some reason, is what  
[12] I'm trying to find out.  
[13] MR. PINKERTON: Object to the form of the  
[14] question Again, couched in terms of the law, vague and  
[15] ambiguous in regard to what's claimed.  
[16] THE WITNESS: I would not know what under  
[17] the law meant I don't know.  
[18] Q: (By Mr. Harris) I'm not asking you, sir, for  
[19] the law I'm telling you assume that the law is such  
[20] that that is an invention, a patentable invention even,  
[21] the Ferris wheel mechanism. I'm not talking to you about  
[22] the other stations, I'm saying is there some reason that  
[23] your company thinks it made that invention if it — that  
[24] I speculated was an invention?  
[25] MR. PINKERTON: Counsel, same objection.

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[1] I'm going to let the witness answer, but it's a totally  
[2] improper question, but he can answer as best he can.  
[3] THE WITNESS: I'm not prepared to make an  
[4] assumption like that.  
[5] Q: (By Mr. Harris) How are you able to make an  
[6] assumption that you've got an invention, sir? Strike  
[7] that.  
[8] Do you think you invented the Ferris wheel  
[9] mechanism?  
[10] A: Not the Ferris wheel mechanism, no.  
[11] Q: Do you think that Mr. Jesse Williamson invented  
[12] the Ferris wheel mechanism?  
[13] A: Not that I'm aware of, no.  
[14] Q: Do you recall some negotiations in '95, maybe  
[15] going on into '96, between PRI and your company relating  
[16] to the company's respective rights and some of the  
[17] equipment?  
[18] A: I'm not sure what you are talking about.  
[19] Q: Why don't you read number six?  
[20] MR. PINKERTON: Paragraph six, page three  
[21] of his declaration.  
[22] MR. HARRIS: Oh, I've got the wrong one,  
[23] just a minute. I'm all wet on that, I may go to  
[24] something else.  
[25] Q: (By Mr. Harris) Do you recall discussions about

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[1] whether 18 months or a year or how long for an exclusive  
[2] relating to, I suppose, the coater, I don't know?  
[3] MR. PINKERTON: Object to the form.  
[4] Q: (By Mr. Harris) I don't know entirely and I'll  
[5] solicit your help in finding that out, back about '95?  
[6] And I'm just assuming you were in this. Do you recall  
[7] that?  
[8] MR. PINKERTON: Object to the form.  
[9] THE WITNESS: I know about the  
[10] negotiations. I was not directly involved. That was the  
[11] owners of our company, Jesse Williamson and Jerry  
[12] Williamson were involved in that.  
[13] Q: (By Mr. Harris) Would Mr. Williamson be the one  
[14] to ask a question like that to?  
[15] A: He would be one of the persons to ask a question  
[16] about that.  
[17] Q: (By Mr. Harris) Was it discussed —  
[18] MR. PINKERTON: I don't think it's in your  
[19] 30(b)6 notice, is it?  
[20] MR. HARRIS: I don't know whether it is or  
[21] not.  
[22] MR. PINKERTON: I don't think it is, but I  
[23] don't think he was involved.  
[24] MR. HARRIS: I —  
[25] MR. PINKERTON: Jesse Williamson was

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[1] involved.  
[2] MR. HARRIS: Was involved.  
[3] MR. PINKERTON: Mr. Bill Davis is saying he  
[4] wasn't involved.  
[5] MR. HARRIS: Yeah, that's what I hear.  
[6] Q: (By Mr. Harris) Were you aware that such  
[7] negotiations were going on?  
[8] A: Yes, sir, I was copied on some of the documents,  
[9] if not all.  
[10] MR. HARRIS: I'll defer that. I believe I  
[11] have a few pieces of paper on it.  
[12] (Deposition Exhibit 3 marked)  
[13] Q: (By Mr. Harris) Sir, I have had placed before  
[14] you what has been marked as Exhibit 3. It purports to be  
[15] a document with your signature, and after you look it  
[16] over, I would appreciate it if you would verify that it  
[17] is and then I'll have some questions about it.  
[18] MR. PINKERTON: Is there a pending  
[19] question, Counsel?  
[20] MR. HARRIS: No.  
[21] MR. PINKERTON: Okay.  
[22] MR. HARRIS: You may snooze.  
[23] MR. PINKERTON: May I request a pending  
[24] question?  
[25] MR. HARRIS: Sir, you can still snooze.



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[1] Stretch your legs a minute. I swear I've got this thing  
[2] here somewhere. If I can find it I'll wind up saving a  
[3] little time instead of losing it.

[4] Okay. I found something to go forward with  
[5] here.

[6] MR. PINKERTON: You want to make that  
[7] Exhibit 3, Bill?

[8] MR. HARRIS: Yeah. Well, I'll keep the  
[9] other one as Exhibit 3. I may come back to 3.

[10] (Deposition Exhibit 4 marked)

[11] Q: (By Mr. Harris) I'm not sure I asked the final  
[12] question on Exhibit 3, and that was: That is your  
[13] declaration, isn't it, and if it's a repetition, I  
[14] apologize I took so long?

[15] A: Yes, sir.

[16] Q: And as far as you know is — it conforms to that  
[17] which was actually filed?

[18] A: Yes.

[19] Q: Do you have in front of you Exhibit 4? Do you  
[20] have in front of you Exhibit 4?

[21] A: Yes, sir.

[22] Q: Well, take a minute and look it over so you can  
[23] identify it for us.

[24] I will note that the document we are  
[25] talking about bears the title Joint Declaration (1) Under

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[1] 37 C.F.R. Section 1.131 and (2) Pertaining to Derivation  
[2] by DeMoore and Printing Research, Inc. of Reissue  
[3] Applicants' Invention. Is that what you make it out to  
[4] be, sir?

[5] A: Yes, sir.

[6] Q: And is that a declaration that you made?

[7] A: Yes, myself and Jesse Williamson.

[8] Q: Yes, sir. And that was prepared by yourself  
[9] with some assistance on how to go at it with language  
[10] structured by Mr. Falk?

[11] A: Yes, sir.

[12] Q: And this is a legitimate copy that was filed  
[13] with the patent office insofar as you believe and know?

[14] A: Yes, sir.

[15] Q: All of these statute numbers and whatnot came  
[16] with the assistance of Mr. Falk, I would assume, did they  
[17] not?

[18] A: Yes, sir.

[19] Q: In paragraph three would you please tell me  
[20] whether or not it is correct to the letter insofar as you  
[21] know?

[22] A: Except for the date. I believe that the date  
[23] was in June.

[24] Q: What do you have to show the date?

[25] A: We have an expense report, which we have not

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[1] produced yet, that would indicate it would be about mid  
[2] June, I believe, the 12th.

[3] MR. HARRIS: I will certainly ask for that  
[4] expense report so I may examine the witness about this  
[5] matter.

[6] MR. PINKERTON: Yeah, it's the one you  
[7] previously asked for before and I said that we would  
[8] produce it, and it is an expense of Jesse Williamson.  
[9] He's — it was on his expense report and you'll have it  
[10] for Jesse's deposition, certainly. We'll produce it —

[11] MR. HARRIS: I would like to have it before  
[12] then.

[13] MR. PINKERTON: We'll get it to you as soon  
[14] as we can, but I mean, I'm sure you're going to have it.  
[15] We just have to make a good copy of it.

[16] Q: (By Mr. Harris) Please tell me if you think  
[17] paragraph four is literally correct?

[18] A: I believe paragraph four is correct.

[19] Q: You referred to Jesse Williamson's observation  
[20] of printing with an anilox roller at the coating tower.  
[21] Is that the first time that an anilox roller had been  
[22] observed by Mr. Williamson, as far as you know?

[23] A: I don't know whether Jesse had observed that or  
[24] not before — before this date. I think that he had,  
[25] that he probably — maybe this was the first time he had

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[1] seen that in operation.

[2] Q: Is there anything to back up any document of any  
[3] kind to back up this conception? It really doesn't say  
[4] it's a conception. It says it was inspired, so I'm a  
[5] little bit confused. Can you explain what the conception  
[6] was inspired means as it relates to conception?

[7] MR. PINKERTON: Object to the form.

[8] THE WITNESS: I think it just means what it  
[9] says. It was inspired at least in part by his  
[10] observation of how effective this anilox roller was and  
[11] an end-of-press tower coater.

[12] Q: (By Mr. Harris) Well, then, when was the  
[13] conception?

[14] A: When he returned from Germany and he and I sat  
[15] and determined what's the best way to do this.

[16] Q: And so when is that? I don't see that stated in  
[17] there?

[18] A: He returned, I believe, on about the last day of  
[19] May, so we collaborated in June of that same year.

[20] Q: And that point we have discussed before at this  
[21] deposition; is that right?

[22] A: Yes, sir, that's correct.

[23] Q: Where, sir, did you get the July 1994 meeting,  
[24] the date? You tell me now it was an earlier date.

[25] A: I think it was the best recollection at the

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[1] time.  
[2] Q: Well, sir, this — I believe the agreement in  
[3] this document was executed June the 30th of this year.  
[4] A: Uh-huh.  
[5] Q: And it doesn't — it talks about late July, so  
[6] where did that come from, sir? Where did the late July  
[7] come from?  
[8] MR. PINKERTON: Object to the question as  
[9] being asked and answered.  
[10] THE WITNESS: I think we must have relied  
[11] on our recollection.  
[12] Q: (By Mr. Harris) Are your recollections often  
[13] quality?  
[14] MR. PINKERTON: Object to the question.  
[15] Argumentative.  
[16] THE WITNESS: I think they're generally  
[17] pretty good.  
[18] Q: (By Mr. Harris) I wouldn't doubt that, but when  
[19] undocumented and there has been a passage of time, you  
[20] would agree with me that it's not unusual to make a date  
[21] mistake, wouldn't you?  
[22] A: Well, that could happen.  
[23] Q: And it did happen to you in several instances in  
[24] this particular case, didn't it?  
[25] A: Well, that happened.

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[1] Q: Did you say that happened?  
[2] A: Yes.  
[3] Q: Okay. Be it June or July of '94 when you met  
[4] with Steve Baker, could you explain why you were willing  
[5] to take him into your confidence when he was a very new  
[6] man and when he was down the line in the company?  
[7] A: I think we felt like that Printing Research was  
[8] capable of supplying the equipment we needed and that  
[9] they would be trustworthy — he would be trustworthy to  
[10] be trusted with this.  
[11] Q: How long had you known him?  
[12] A: I believe Steve had called on us back in '93  
[13] some time, I believe, maybe in early '94. I think he had  
[14] called on us from time to time to present the various  
[15] equipment that Printing Research offered for sale.  
[16] Q: You say any one of a number of rack back mentors  
[17] could have easily altered their end-to-press rack backs  
[18] to make same and interstation device as of 1994. Do you  
[19] have any point of proof on that, that others could have  
[20] done that?  
[21] MR. PINKERTON: Objection to the form of  
[22] the question.  
[23] THE WITNESS: Just reviewing their  
[24] equipment as we had — their equipment literature as we  
[25] had with Printing Research, it was evident that it was a

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[1] pretty easy task to place a coating head in the position  
[2] we wanted it in to do our concept of the invention.  
[3] Q: Did you think it was a particularly expensive  
[4] thing to do?  
[5] A: I don't know that I knew what the expense would  
[6] be.  
[7] Q: So it was your own review of it without giving  
[8] any particular criteria, just your mechanical background  
[9] and ability that told you that it would be easy to do; is  
[10] that it?  
[11] A: Yes, sir.  
[12] Q: Would you look at paragraph seven. Do you see  
[13] the statement about tests that were conducted in '94,  
[14] October and December, that were conducted for you, it  
[15] says? Are those dates mistaken?  
[16] A: I believe we went to Printing Research in  
[17] October or November and I know for sure that we  
[18] documented a rather lengthy two-day test in December.  
[19] Q: Do you have anything in the way of documentation  
[20] for the October test?  
[21] A: I don't believe I do, no.  
[22] Q: Or for any November test?  
[23] A: No.  
[24] Q: And have we been given the documentation for the  
[25] December test?

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[1] A: Yes, sir.  
[2] Q: And is it one sheet of paper that has two sides  
[3] on it filled in?  
[4] A: I believe two sheets of paper. I sent it  
[5] over — I believe I faxed it over.  
[6] Q: Was it a Printing Research form or was it your  
[7] own form?  
[8] A: No, it was one I had typed out on our word  
[9] processor. It was a test protocol on the test stating —  
[10] Q: We'll see if we can find it.  
[11] A: Mid December. I think I sent it over about the  
[12] 15th and the test occurred on the 20th or 21st, real near  
[13] the holiday.  
[14] Q: I think we have a request form.  
[15] MR. HARRIS: Is he talking about something  
[16] in the way of a narrative?  
[17] MR. WILSON: Memo.  
[18] Q: (By Mr. Harris) Well, without marking it right  
[19] now — or it right now, this isn't what you are talking  
[20] about?  
[21] A: No, sir.  
[22] MR. WILSON: Is that it?  
[23] Q: (By Mr. Harris) Well, you sent it over to them,  
[24] right?  
[25] A: I believe I faxed it over, yes, about two pages.

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[1] MR. HARRIS: Can we go off the record just  
[2] a second?  
[3] MR. PINKERTON: Sure.  
[4] VIDEOGRAPHER: We're off the video record,  
[5] 3:43, tape two.  
[6] (Discussion off the record)  
[7] (Videotape change)  
[8] VIDEOGRAPHER: We're on the video record,  
[9] 3:45, tape three.  
[10] Q: (By Mr. Harris) Referring back to paragraph  
[11] four, the statement we had just then returned from  
[12] Germany  
[13] MR. PINKERTON: Let's find that statement.  
[14] MR. HARRIS: I'm looking.  
[15] MR. PINKERTON: Upon the return of Jesse  
[16] Williamson It doesn't say we.  
[17] MR. WILSON: Paragraph four, last sentence.  
[18] MR. PINKERTON: Oh, last sentence.  
[19] MR. WILSON: As of the time of the  
[20] restaurant meeting with Baker, we had then just returned  
[21] from Germany and had already reached an oral agreement.  
[22] MR. PINKERTON: Oh, okay.  
[23] MR. HARRIS: Seems like two different  
[24] Germany's.  
[25] MR. PINKERTON: Two different time periods?

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[1] MR. HARRIS: It wasn't east and west  
[2] Germany, was it.  
[3] MR. PINKERTON: I didn't think that's what  
[4] you were talking about.  
[5] Q: (By Mr. Harris) The question we had just  
[6] returned from Germany at the bottom of that paragraph.  
[7] A: Uh-huh.  
[8] Q: Who had just returned from Germany?  
[9] A: Myself and Jerry and Jesse Williamson.  
[10] Q: Where did you go in Germany?  
[11] A: We went to Heidelberg and Oggsberg.  
[12] Q: Who is located in Oggsberg?  
[13] A: M.A.N. Roland web press division.  
[14] Q: Is the present form of the system being used in  
[15] accordance with your invention suitable for web  
[16] operation?  
[17] A: If you retro fitted a web press, an upstream web  
[18] press printing unit with a retractable coater, it could  
[19] be.  
[20] Q: As a matter of fact, if you had a way to get  
[21] that anilox roller to the paper and the equivalent of a  
[22] doctor blade system, you would be in business however you  
[23] got it there, right?  
[24] MR. PINKERTON: Objection to the form of  
[25] the question.

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[1] Q: (By Mr. Harris) Right?  
[2] MR. PINKERTON: Objection to the form of  
[3] the question. Vague and ambiguous.  
[4] MR. HARRIS: You are hurting your witness'  
[5] concentration?  
[6] MR. PINKERTON: Sorry.  
[7] THE WITNESS: The anilox roller to the  
[8] paper? I don't understand that.  
[9] Q: (By Mr. Harris) Well, you run stock through,  
[10] web stock, don't you?  
[11] A: Yes, sir.  
[12] Q: That's the paper I'm talking about.  
[13] A: But the anilox roller would have to be applied  
[14] to the flexographic plate, not the paper.  
[15] Q: I beg your pardon. Which ultimately goes to the  
[16] web stock?  
[17] A: Yes, sir, but that would be doable for one side  
[18] of the web press only as web presses print blanket to  
[19] blanket. So you would have to go through two printing  
[20] units to print both sides of the press.  
[21] Q: Is that what you call perfecting?  
[22] A: Yes, sir, that's one version of perfecting.  
[23] Q: Is your 363, as you understand it, applicable to  
[24] perfecting?  
[25] A: Yes, sir.

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[1] Q: On that German trip, I get some of these trips  
[2] mixed up, but on that — I'll call it European trip, did  
[3] you stop by England, too?  
[4] A: No, sir, I did not.  
[5] Q: Was that some earlier trip that Mr. Williamson  
[6] took?  
[7] A: It may have been, I'm not aware.  
[8] Q: Okay.  
[9] A: On the way there or the way back or?  
[10] Q: Any way?  
[11] A: I'm not aware, don't recall that.  
[12] Q: What documentation do you have about your trip  
[13] to Germany including what you saw and did?  
[14] MR. PINKERTON: Again, in '94?  
[15] MR. HARRIS: I'm talking about the one he  
[16] took in '94.  
[17] THE WITNESS: In July of '94?  
[18] Q: (By Mr. Harris) Yes.  
[19] A: Well, we visited Heidelberg and M.A.N. Roland.  
[20] So you're saying documentation in what respect?  
[21] Q: I don't know, do you just have some financial  
[22] records showing expenditures, is that all?  
[23] A: We would have that, yes, sir.  
[24] Q: Do you have any brochures? Do you have any  
[25] materials they gave you or do you have any sketches you

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[1] made yourself or anything?

[2] **A:** We brought back literature and information about  
[3] their presses and specifically about the chamber doctor  
[4] anilox roller coating system they offered as an option at  
[5] the end of the press. A fellow by the name of Peter  
[6] Schwabb provided that information to us.

[7] **Q:** Turning to page three of the declaration. We  
[8] are looking at Exhibit 4. Why is it — well, I'll start  
[9] off by saying you did inform Steve Baker of a pending  
[10] patent application on what you call the WIMS process?

[11] **A:** Yes, sir.

[12] **Q:** Why?

[13] **A:** Well, that was the process we were seeking to  
[14] improve by being able to print flexography upstream and  
[15] lithography.

[16] **Q:** Where did you get the Rolex watch advertisements  
[17] that you referred to in that paragraph? Where did they  
[18] come from?

[19] **A:** It was — which paragraph?

[20] **Q:** It's paragraph five. It bridges on over to page  
[21] three.

[22] **A:** The Rolex —

[23] **MR. PINKERTON:** Just so the witness is  
[24] clear. Can we refer to — I think he's referring to the  
[25] top of page three.

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[1] **MR. HARRIS:** Well, it says the word Rolex  
[2] only one place in that paragraph.

[3] **MR. PINKERTON:** Top of page three,  
[4] paragraph five.

[5] **THE WITNESS:** I've got it.

[6] **MR. HARRIS:** Bridges over.

[7] **THE WITNESS:** The Rolex advertisements we  
[8] had were some pieces from a job we had printed for Rolex  
[9] and they utilized the WIMS process, the Williamson  
[10] integrated metallic process.

[11] **Q:** (By Mr. Harris) And that was done when, the  
[12] printing?

[13] **A:** I believe in '93, I believe.

[14] **Q:** And it's true that was done with plurality of  
[15] lithographic units, was it not?

[16] **A:** Used offset lithography to print that.

[17] **Q:** This thing you are looking for or you're trying  
[18] to copy for me, I see it mentioned again here. I  
[19] therefore wonder if you can tell me that much — this  
[20] much about it. It says Jesse Williamson picked up the  
[21] bill for dinner even though Steve Baker was the salesman  
[22] trying to sell WPC equipment.

[23] **MR. HARRIS:** Is it the dinner bill you  
[24] have?

[25] **MR. PINKERTON:** The credit card charge

[1] receipt is what we have, I believe.

[2] **MR. HARRIS:** So in a sense the dinner bill  
[3] is what we have?

[4] **MR. PINKERTON:** Yeah, that's what the  
[5] charge was for.

[6] **MR. HARRIS:** For whatever the name of that  
[7] restaurant is. Well, I will be looking forward to it.

[8] **MR. PINKERTON:** With great enthusiasm.

[9] **MR. HARRIS:** Yes, as long as it's quick.

[10] **MR. PINKERTON:** It will be faster than some  
[11] of your productions, let me put it that way.

[12] **MR. HARRIS:** Well, all right.

[13] **MR. WILSON:** By definition it will be later  
[14] than some of our productions.

[15] **MR. PINKERTON:** I don't know about that.

[16] **MR. HARRIS:** I would hope so. You are  
[17] sitting here knowing about something and I don't have it.

[18] **MR. PINKERTON:** Some people know and should  
[19] have known, but that is another issue.

[20] **MR. HARRIS:** No, it's not the same. One of  
[21] them involves —

[22] **Q:** (By Mr. Harris) During the Atlanta trip do you  
[23] know who the local carton printer was that was a  
[24] manufacturer in the Atlanta area that you visited?

[25] **A:** It was west of Atlanta. It was a James River

[1] carton printer, James River plant.

[2] **Q:** Would you look at paragraph eight, the first  
[3] sentence, and tell me if you think that's still  
[4] approximately correct. In fact, I won't say  
[5] approximately, I'll just say tell me if it's correct.

[6] **A:** I believe that to be correct.

[7] **Q:** Correct?

[8] **A:** Yes, sir.

[9] **MR. PINKERTON:** Was that with respect to  
[10] the entirety of paragraph eight, was that —

[11] **MR. HARRIS:** No, the first sentence.

[12] **MR. PINKERTON:** I think the witness looked  
[13] at the entire paragraph.

[14] **THE WITNESS:** That is what I understood.

[15] **Q:** (By Mr. Harris) If you want to say the same  
[16] thing about the entire paragraph, well, that will save a  
[17] little. Do you?

[18] **A:** Yes. I guess there is one exception here, the  
[19] date of July of '94. We now know after looking up  
[20] Jesse's expense report actually it was a June date that  
[21] we met with — first met with Mr. Baker.

[22] **MR. PINKERTON:** Counsel, why don't we take  
[23] a break.

[24] **MR. HARRIS:** Okay.

[25] **MR. PINKERTON:** You know, I told you I

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(1) wanted to get you a good — I've got a copy of that  
(2) receipt, and I'm going to go get it right now. I was  
(3) going to — I had requested to get a better copy made,  
(4) but I'm going to give you the one I've got so that you'll  
(5) have it.

(6) MR. HARRIS: While we've got him, I can ask  
(7) him. Let's go off the record.

(8) VIDEOGRAPHER: Off the video record, 4:02,  
(9) tape three.

(10) (Recess taken)

(11) VIDEOGRAPHER: On the video record, 4:21,  
(12) tape three.

(13) MR. HARRIS: Make this the next exhibit,  
(14) and make it 5A and 5B, two sheets.

(15) (Deposition Exhibits 5A and 5B marked)

(16) MR. PINKERTON: Counsel, for the record,  
(17) this was provided to me on Monday and it's not the best  
(18) copy and I was requesting another copy of it. I would be  
(19) glad to provide you another supplemental copy, but I  
(20) wanted to go ahead and get you this now even though it's  
(21) not the best copy.

(22) MR. HARRIS: Sure. A fairly limited, but  
(23) another document request.

(24) Q: (By Mr. Harris) Direct your attention, if you  
(25) would, please, sir, to the photocopied document,

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(1) W00276 — sorry, 2705 and W002706. Could you tell me  
(2) what you really know about these two documents?

(3) A: They're copies of an expense report that Jesse  
(4) Williamson turned in for expenses to a trip — for a trip  
(5) to Atlanta, Georgia in June of 1994.

(6) Q: Were you on that trip?

(7) A: Yes, sir.

(8) Q: Did you make an expense report?

(9) MR. PINKERTON: I didn't hear the question,  
(10) I'm sorry, Bill.

(11) Q: (By Mr. Harris) Did you make an expense report?

(12) A: I don't know whether I did or not because Jesse  
(13) paid for everything, including my airline ticket. So it  
(14) wouldn't be out of the ordinary for me not to file one if  
(15) I didn't have any expenses. It was made over a weekend  
(16) and we returned, I think, on Tuesday or Wednesday.

(17) Q: I don't believe I'm following the balance over  
(18) here where it's coming from. Tell me what these are.  
(19) Are they from a credit card company or just what are  
(20) they?

(21) A: Yes, sir, the one at the bottom of page 2705 is  
(22) a — that's a Diner's Club, I believe it was, and we  
(23) whited out the prices, I guess, on those, but the other  
(24) is where a Mastercard or Visa was — the secretary would  
(25) just clip out the expenses that were pertinent for a trip

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(1) and would paste them on a sheet of paper, and then that  
(2) would be turned in for that trip and so and so forth for  
(3) each individual trip.

(4) MR. HARRIS: Why are the charges not  
(5) present here? I can understand if you have some other  
(6) customer or something that's involved, but why is it  
(7) whited out.

(8) MR. PINKERTON: I didn't make the copies.  
(9) They felt that the numbers were irrelevant, and so  
(10) therefore they whited them out. That's all.

(11) MR. HARRIS: Well, I would request when you  
(12) get that really good copy that you can give me everything  
(13) that you can on it. I may want the numbers. Certainly  
(14) if it says \$1.97 it could mean one thing to me, and if it  
(15) says what looks like a responsible amount for a given  
(16) number of people, it will mean maybe a little something  
(17) else to me.

(18) MR. PINKERTON: Yeah, that's — we'll  
(19) designate these as confidential.

(20) MR. HARRIS: The Budget Rent-A-Car, even, I  
(21) would like a number on.

(22) MR. PINKERTON: Those two documents, Bill,  
(23) for the record, are designated as confidential, too. We  
(24) didn't stamp them, but let's just go ahead and I can  
(25) write on there as soon as we get through with the

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(1) testimony on it.

(2) MR. HARRIS: Sure. If you want to write  
(3) confidential on there, go ahead.

(4) MR. PINKERTON: And I'll do that on the one  
(5) that the witness has. And we'll give you a better copy.

(6) Q: (By Mr. Harris) Does it show how many people  
(7) ate there anywhere on the bill?

(8) A: I don't believe it does. I can tell you what  
(9) the dollar amount was, it was \$179.

(10) Q: Just from memory?

(11) A: I made this copy when I dug through and — of  
(12) Jesse's expense report very recently. Jesse and I are  
(13) big eaters, but we —

(14) Q: What do you mean expense report very recently?

(15) A: I looked up this — asked accounting to pull  
(16) Jesse's expense reports and I dug through those and found  
(17) the ones that would determine exactly when we were in  
(18) Atlanta.

(19) Q: Then I'll ask you another question just to be  
(20) sure where I am. Did you go through his expense reports  
(21) carefully for a month or two on both sides of this, this  
(22) date, which steakhouse, if that's what it is, says 6 and  
(23) 12 of 94. Did you go through 5 and did you go through 7  
(24) and 8?

(25) A: I looked about a month ahead and actually looked

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[1] in July, and so I looked in August and I looked in June,  
[2] and this is what I found.

[3] MR. HARRIS: I won't today, but I may  
[4] either write you a letter or call and request the reports  
[5] for those three months with anything confidential made  
[6] clear to me. If it's something you and I can see would  
[7] be involved in figuring out what happened, well, then I  
[8] would request you black it out after I look.

[9] MR. PINKERTON: We'll consider that.

[10] MR. HARRIS: Okay.

[11] MR. PINKERTON: We are looking for trips to  
[12] Atlanta here and so I think that's what we would key on.

[13] MR. HARRIS: They do a lot of business in  
[14] Waxahachie, John.

[15] MR. PINKERTON: But I haven't got expense  
[16] reports down there. Let me see that, Bill.

[17] Q: (By Mr. Harris) Would you describe to me what  
[18] happens specifically as far as your movements are  
[19] concerned there?

[20] A: As I recall, Jesse and I flew in on a Saturday  
[21] evening. We took a shuttle or a cab, I believe we took a  
[22] cab out to the hotel which was outside of Atlanta. It  
[23] was a hotel that Steve Baker had recommended we use. And  
[24] Sunday we had breakfast at the hotel and rented a car and  
[25] drove out to Stone Mountain and visited that kind of a

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[1] tourist site, if you will, there.

[2] And that evening we met Steve Baker. He  
[3] had a larger rent car, and so we went in — with him to  
[4] go to supper and we got lost about every way you could  
[5] get lost in Atlanta, too many Peach streets.

[6] Q: I'll say.

[7] A: And we finally literally stumbled upon a  
[8] Martin's steakhouse, which as a lot of theirs are, it was  
[9] located on a lower level and we pulled in and parked and  
[10] went and had supper there.

[11] Q: Then what happened?

[12] A: Well, during the course of our meal we talked to  
[13] Steve about our WIMS invention and the requirements we  
[14] thought were necessary to improve that, how that process  
[15] would work, how WIMS worked and how the new process

[16] would work and the fact that we needed a retractable  
[17] interstation coater with anilox roller.

[18] Q: Then what happened?

[19] A: I think we finished up our meal and the next  
[20] morning went back to the motel and the next morning we  
[21] went on a tour with Steve to the James River carton  
[22] printer out west of Atlanta to observe some interstation  
[23] drying systems that Printing Research had on some large  
[24] 60-inch, large format 60-inch equipment printing —  
[25] offset lithographic printing presses.

[1] And we came back into Atlanta and visited a  
[2] printer who had a Heidelberg six-color CD press with a  
[3] tower color and extended delivery, and there was a  
[4] Printing Research cold UV drying system on that press, so  
[5] we listed with that printer. I can't — I can't recall  
[6] the name of the printer. And either that evening or the  
[7] next morning I believe we flew back to Dallas.

[8] Q: What was the purpose at the outset for your trip  
[9] to Atlanta?

[10] A: We were evaluating the drying systems, the  
[11] high-velocity interstation drying system and the cold UV  
[12] system they had on this Heidelberg press. Potentially we  
[13] would use that on our third press, the triple tower  
[14] press.

[15] Q: I don't see listed here your ticket coming back.  
[16] Did you stay there? Are you really in Atlanta still?

[17] A: No, sir, I really came back.

[18] Q: Can you explain to me why it's done like it's  
[19] done? I see you sitting here so I think you got back,  
[20] but what happened?

[21] A: There's three charges listed there and two of  
[22] them are ascribed to Jesse and one is ascribed to me, and  
[23] I'm not sure — I don't know. Jesse bought the tickets,  
[24] and I'm not really sure if he bought those tickets, maybe  
[25] he bought one ticket earlier in the day and got a better

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[1] deal because we was going over a Saturday and bought  
[2] two — I don't really know.

[3] Q: As a matter of fact, I've really got it  
[4] backwards as I look at it because the Dallas to  
[5] Fort Worth ticket has a JW by it. Then there's an  
[6] Atlanta to Dallas ticket that has your initial and name  
[7] by it and another JW after that for Atlanta to Dallas.  
[8] So it — what's vacant is how you got there.

[9] A: Yeah, I'm not really sure why the tickets were  
[10] bought that way or how they were bought, I guess. I  
[11] don't really know.

[12] Q: At this time that's all I have. I may have more  
[13] after we get the numbers on there.

[14] MR. HARRIS: Mr. Pinkerton, thank you for  
[15] giving me what you had.

[16] MR. PINKERTON: You're welcome.

[17] Q: (By Mr. Harris) In paragraph 12 down on the  
[18] fourth line is referenced a '57 Chevrolet bumper grill.  
[19] Is that something that had been done in Germany or  
[20] something you had done over here?

[21] A: The '57 Chevrolet subject matter was, I believe,  
[22] first utilized on the regular WIMS process as a  
[23] demonstration of how the silver chrome of the bumper  
[24] could be improved with that process. It was later  
[25] adapted for the improved or what we later called the

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[1] Litholux process when we did this test.

[2] Q: I'm still not clear. Is that a German test, one  
[3] in Germany or one over here?

[4] A: This particular was one done in Germany.

[5] Q: What motive did the company have, if you know,  
[6] or did Jesse Williamson have, if you know, in telling  
[7] Bird and Baker that — I'm sorry, telling Bird and Baker  
[8] that he and Davis were going to file a patent application  
[9] on that process? Do you see that number 13?

[10] MR. PINKERTON: Paragraph 13?

[11] MR. HARRIS: Yes, on page six.

[12] THE WITNESS: I don't know what Mr.

[13] Williamson's motive was.

[14] Q: (By Mr. Harris) Were you present?

[15] A: Yes, sir.

[16] Q: What did he say and what did they say?

[17] A: I believe he just laid out the fact that we were  
[18] going to file an application for what we later referred  
[19] to as Litholux, and I think they acknowledged that.

[20] Don't remember anything more than that.

[21] Q: Do you recall what, if anything, that they  
[22] specifically said?

[23] A: No, sir, I don't.

[24] Q: Were you involved in any discussions about the  
[25] experimental short arm device, cantilevered device?

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[1] A: Yes.

[2] Q: Would you relate those discussions to me as well  
[3] as you can remember?

[4] A: As I recall, after we had requested that  
[5] Printing Research build an interstation device, I believe  
[6] they came back with us — to us and said that they felt  
[7] that it would be expedient to build a device for  
[8] end-of-press for the tower coater on our seven-color so  
[9] that they could work on the unit. It was easier to work  
[10] on at that end of the press and it was a developmental  
[11] piece of equipment. They were still developing the  
[12] mechanism to deploy that coating head, I believe.

[13] Q: What did you say?

[14] A: Said well, we would like one interstation, but  
[15] if that's what's necessary, then let's do it.

[16] Q: I see the statement on March 20 if you ran a  
[17] first commercial job for a Mills Davis and Hi-Fi color, I  
[18] also see the core of simulation, definitely. Does that  
[19] mean it was a double pass job?

[20] A: Yes, sir, that's correct.

[21] Q: Did you do a good job?

[22] A: We sold the job.

[23] Q: How do you fix the date — going to 15, the last  
[24] sentence — paragraph 15, last sentence, starting off  
[25] this first long arm or automated unit was actually

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[1] installed in late August '95 or early September of '95

[2] and to the best of our knowledge the first actual inline  
[3] reduction of the invention occurred at WBC in mid  
[4] September of 1995. How did you establish that date?

[5] A: On every new piece of equipment that my company  
[6] has, they set up a monthly research and development job  
[7] ticket and based on charges for that job in the — inside  
[8] that job jacket was charges for a flexographic — for  
[9] some flexographic plates as well as paper as well as  
[10] coatings.

[11] Q: Are there any other means to do that, to fix  
[12] that date? Actually, I think I'm talking about two  
[13] dates, if you'll let me narrative just a minute. And one  
[14] of those dates is the date it was installed and the other  
[15] date is when it had actual inline reduction in the  
[16] invention, as you put it.

[17] You talked about some kind of an equipment  
[18] listing; is that right, or accounting?

[19] A: Well, the printer typically uses a job ticket  
[20] that has on the face of it specifications for a single  
[21] job. We could — you could also have a job ticket as we  
[22] did. It's a big envelope and on that you would — we  
[23] would have one for the R and D, for any new equipment we  
[24] had for a given month, and in that are placed charges and  
[25] hours of press time from a computer printout and the

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[1] charges, we noted that September job jacket had charges  
[2] for press time, for the flexographic printing plates and  
[3] for coatings and for, of course, paper stock, which would  
[4] indicate to us that we had done some developmental  
[5] testing there was that — to get that unit, get it  
[6] tweaked up and in an operable mode.

[7] Q: Your — the installation and the reduction to  
[8] practice would not be shown in the same way in your  
[9] paper, would it?

[10] A: I don't believe that it would. The job jacket  
[11] would indicate mostly material uses or chargeable or  
[12] nonchargeable hours for that equipment during that time  
[13] period.

[14] Q: Was experimental material covered by this system  
[15] you are talking about?

[16] A: I don't understand the question.

[17] Q: You're talking about what they would do on the  
[18] press and how they would identify what they were running,  
[19] isn't that what you told me, basically?

[20] A: It was — we used an R and D ticket because in  
[21] many cases when you start up new equipment you have  
[22] problems, and we need to document the problems so that we  
[23] can notify the manufacturers there's a problem.

[24] Q: Do we have that ticket? Has it been produced  
[25] for us? We do not believe that's the right date. We

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[1] don't know how much difference that makes in this  
[2] lawsuit, but we don't believe it's the right date?  
[3] MR. PINKERTON: What do you think is the  
[4] correct date?  
[5] MR. HARRIS: November or December, most  
[6] likely December. It's a fair amount off.  
[7] MR. PINKERTON: Yeah, it's — the date  
[8] is — we have produced that job ticket, I think, have we  
[9] not, Bill?  
[10] THE WITNESS: I know that the documents  
[11] inside the job ticket were produced.  
[12] MR. PINKERTON: I thought we produced the  
[13] cover with those.  
[14] THE WITNESS: Should have. Should be  
[15] there.  
[16] MR. HARRIS: We think we've got stuff, too.  
[17] I don't know whether we produced it or not. Do you know?  
[18] MR. WILSON: Job ticket?  
[19] MR. HARRIS: Not a job ticket, anything, a  
[20] pet rock if it's —  
[21] MR. PINKERTON: Let's get all of the  
[22] documents out and let's just decide on a date.  
[23] MR. HARRIS: I don't know about deciding on  
[24] it. Somebody might have to help us, like the judge, but  
[25] maybe not. I'm not going to waste a whole lot of time on

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[1] that right now, but John as it stands we don't see any  
[2] chicanery, but we don't believe it, okay, and you  
[3] probably don't believe our date on that.  
[4] Q: (By Mr. Harris) Sir, when the run took place  
[5] that's identified in the last of paragraph 15, it was  
[6] run. I trust, with an interstation unit operating off of  
[7] the first unit?  
[8] A: Yes, sir.  
[9] Q: And that was one that was supplied by Printing  
[10] Research?  
[11] A: That's correct.  
[12] Q: And at that run, well, there was a Printing  
[13] Research man that was working along with that unit; is  
[14] that true?  
[15] A: Yes, sir.  
[16] Q: And as far as locally is concerned, that unit at  
[17] least was concerned, was in charge of seeing that that  
[18] unit did what it was supposed to do?  
[19] A: That's correct.  
[20] Q: Who was the man?  
[21] A: I believe Terry Britton.  
[22] Q: Probably was.  
[23] Were reasonably good results obtained on  
[24] that run?  
[25] A: Yes, sir.

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[1] Q: And in paragraph 16 you talk about there being  
[2] at least three drafts of the patent application. My  
[3] question is: Was that because there were changes along  
[4] the way, and I don't mean changes in typographical  
[5] errors, I mean changes in structure, drawings or the  
[6] substance of description?  
[7] MR. PINKERTON: We're going to caution the  
[8] witness not to answer with respect to any communications  
[9] between attorney and client, but other than that he can  
[10] answer the question.  
[11] THE WITNESS: I don't recall what the  
[12] reason was for filing — excuse me. I don't recall what  
[13] that reason was, Mr. Harris. I don't think I recall why  
[14] it took a while. I know it did take a while.  
[15] Q: (By Mr. Harris) Without going into great detail  
[16] about it at all, just a yes or no answer, do you have one  
[17] or more of those three drafts?  
[18] A: No, sir, I don't.  
[19] Q: Do you know if the company does?  
[20] A: I don't believe so.  
[21] Q: And that would include the drafts inclusion —  
[22] I'm sorry. That would also cover the drafts inclusion of  
[23] any drawings with it, do you have them?  
[24] A: No, sir.  
[25] Q: Or any pictures or illustrations, do you have

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[1] them?  
[2] A: No.  
[3] Q: And do you know if the company does?  
[4] A: I'm not aware that the company does, no.  
[5] Q: On paragraph 17 you make reference to a request  
[6] of PRI — made of PRI for an end mounted unit, and then I  
[7] believe you go below that and make clear that was  
[8] something you previously had identified and now you think  
[9] was in error; is that correct?  
[10] A: That's correct.  
[11] Q: What was the error?  
[12] A: We were asking for an interstation device.  
[13] Q: It says here we now know they — they we never  
[14] requested the construction of an experimental unit. How  
[15] do you know that now, sir?  
[16] A: Well, our goal was to build an interstation  
[17] device and the experimental device was their idea to  
[18] expedite the project and to help in the development as I  
[19] understood from Printing Research.  
[20] Q: How did you come to believe something different  
[21] from what you swore to earlier?  
[22] A: I think we just misstated that we requested an  
[23] end-to-press and we really — what we were requesting was  
[24] an interstation device.  
[25] Q: Not much difference?



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[1] MR. PINKERTON: Objection to form.  
[2] THE WITNESS: I think we just used the  
[3] wrong words there.  
[4] Q: (By Mr. Harris) The wrong concept?  
[5] MR. PINKERTON: Object to form.  
[6] Q: (By Mr. Harris) True?  
[7] A: I suppose so.  
[8] Q: Well end-to-press you would have to two-pass and  
[9] front of the press you might do something different like  
[10] an inline first flex, then lith, all down the line,  
[11] one-pass, isn't that true?  
[12] MR. PINKERTON: Object to form.  
[13] THE WITNESS: That's true.  
[14] Q: (By Mr. Harris) And along about this point in  
[15] time is it true that you had no contact with Howard  
[16] DeMoore?  
[17] MR. PINKERTON: Objection to the form of  
[18] the question and previous testimony on that point. Asked  
[19] and answered.  
[20] THE WITNESS: I think Mr. DeMoore was in  
[21] our plant and — more than one occasion.  
[22] Q: (By Mr. Harris) Did you discuss with  
[23] Mr. DeMoore this interstation device as early as December  
[24] of '94?  
[25] A: I believe we may have, yes.

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[1] Q: I believe we may have? Can you go one way or  
[2] the other?  
[3] A: Well, we had series of meetings, according to  
[4] John Bird's daytimer, with Bird and Baker and Steve  
[5] Garner and several folks at Printing Research discussing  
[6] our requirements and needs, and I know that Mr. DeMoore  
[7] was in more than one of those meetings.  
[8] Q: Did it say so in Mr. Bird's daytimer?  
[9] A: I don't believe it specifies who was attending  
[10] the meetings.  
[11] Q: It says in that same paragraph, third, PRI  
[12] constructed an experimental flexographic printer coater  
[13] which was installed at the tower coater at the end of  
[14] WPC's seven-color press at the end of February of '95,  
[15] but this experimental unit was not requested by WPC. You  
[16] don't mean to imply that you didn't even want it, do you?  
[17] MR. PINKERTON: Object to the form.  
[18] THE WITNESS: We wanted an interstation  
[19] unit. That was what they offered at the time. So we  
[20] said go ahead.  
[21] Q: (By Mr. Harris) Did you understand that that  
[22] unit might form the basis of making such changes as were  
[23] necessary and adjustments to have a suitable interstation  
[24] coater unit?  
[25] A: I believe that that was made clear to us, yes.

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[1] MR. HARRIS: All right. I think now is as  
[2] good as any. If I start picking something else up I'll  
[3] run into the — not even the middle, the first quarter of  
[4] it. What do you have, 5 or 10 after?  
[5] MR. PINKERTON: You want to go ahead and  
[6] break now?  
[7] MR. HARRIS: Yes, let's take the break.  
[8] We've got an agreement, and I believe you'll keep it and  
[9] I think I'll keep mine, so let's don't put anything on  
[10] the record about it.  
[11] MR. PINKERTON: Okay.  
[12] MR. HARRIS: Let's just let it die right  
[13] here between us and see how we do.  
[14] MR. PINKERTON: That's fine. You had some  
[15] documents that y'all were going to produce.  
[16] MR. HARRIS: Yes.  
[17] MR. PINKERTON: Can we take a look at  
[18] those?  
[19] MR. HARRIS: I think there's only 32,000.  
[20] MR. WILSON: We can just read them in, you  
[21] want to do that?  
[22] So we've got — looks like white print with  
[23] gold overlay on it.  
[24] MR. HARRIS: How are you going to identify  
[25] them?

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[1] MR. WILSON: Bates labels.  
[2] MR. HARRIS: Do you need a record of it?  
[3] You don't do you?  
[4] MR. PINKERTON: No.  
[5] MR. WILSON: If she can keep it, that might  
[6] be good, just so we know.  
[7] PRI1322, another one that looks like it.  
[8] That's got. Do you want me to mark this flip side, too.  
[9] (Discussion off the record)  
[10] MR. WILSON: Next sheet has a small sheet  
[11] stapled to it, mark the small sheet PRI 1322 and another  
[12] white sheet with gold print on it as PRI1324. It's  
[13] stapled to the other one and we'll mark it as PRI1325.  
[14] Then there's five more sheets that appear  
[15] essentially identical. We'll mark them — again, they  
[16] are white with gold, mark them PRI1326, 1327, 1328, 1329,  
[17] and 1330. Then we have a white sheet with handwritten  
[18] date 11-29. That's got some sort of pearlescent or  
[19] opaque square printed on it and it's got a small sheet  
[20] stapled to it. We'll mark the small sheet PRI1331 and  
[21] the large sheet with the pearlescent printing we'll mark  
[22] PRI1332.  
[23] MR. PINKERTON: Small white sheet has a  
[24] date of 9-16-94.  
[25] MR. WILSON: Okay. Then we've got a white

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[1] sheet with some gold printing on it, including what  
[2] appears to be some sort of image of a motorcycle and it's  
[3] got a small sheet stapled to it. We'll mark the small  
[4] sheet PRI1333, and it has a date of 2-14-95. I'll mark  
[5] the large sheet PRI1334.

[6] Then we have three large blue sheets  
[7] stapled together with a small sheet stapled to those,  
[8] small typewritten sheet. The typewritten sheet bears a  
[9] date of 2-15-95. We're going to mark it as PRI1335. The  
[10] large blue sheets have the opaque print on them, white,  
[11] and we're going to mark them as 1336, 37, and 38.

[12] There's another set essentially the same as  
[13] the one we just described. We'll mark the small sheet on  
[14] that 1339 and the large blue sheets PRI1340, 1341, and  
[15] 1342.

[16] We've got a large gray sheet with white  
[17] opaque printing on it and again an attached typewritten  
[18] page also dated 2-15-95 that will be marked PRI1343 on  
[19] the small page and 1344 the large gray sheet with white  
[20] overprint.

[21] We've got another large blue sheet with a  
[22] small typewritten page attached to it. The typewritten  
[23] page is dated 2-15-95. We're going to mark it PRI1345,  
[24] and the large blue sheet that it's attached to that has  
[25] white or gray overprint, mark it PRI1346.

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[1] I think the final one is a gray sheet with  
[2] a white typewritten page attached to it. We'll mark the  
[3] typewritten page PRI1347. It's dated 12-15-95. Mark the  
[4] gray page with white overprint PRI1348.

[5] We have one more. This is a 1996 Printing  
[6] Research Incorporated calendar. It's got all 12 months  
[7] on it and images in the upper left and right-hand  
[8] corners. We're going to mark it in the lower right-hand  
[9] corner. It has PRI1349, and if the camera is on we'll  
[10] show that.

[11] MR. PINKERTON: All right.

[12] MR. WILSON: So those will be available at  
[13] our office any time you want to look at them, just give  
[14] me a call. And if you want me to I can make copies of  
[15] the Bates numbers or something. I just don't know a  
[16] convenient way to copy something that huge without  
[17] spending a couple of thousand dollars.

[18] MR. PINKERTON: Would you go ahead and  
[19] shoot us a copy of the Bates number and then shoot the  
[20] small white pages.

[21] MR. WILSON: Okay. Thank.

[22] VIDEOGRAPHER: Off the video record, 5:12,  
[23] tape three.

[24] (Off the record, 5:12 p.m.)

[25]

**Lawyer's Notes**

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FOR BUREAU

EXHIBIT 36-36-36

## EXHIBIT

THE "SHARP"



US005630363A

**United States Patent** [19]

Davis et al.

[11] Patent Number: **5,630,363**[45] Date of Patent: **May 20, 1997****[54] COMBINED LITHOGRAPHIC/  
FLEXOGRAPHIC PRINTING APPARATUS  
AND PROCESS****[75] Inventors:** Bill L. Davis, Irving; Jesse S.  
Williamson, Dallas, both of Tex.**[73] Assignee:** Williamson Printing Corporation,  
Dallas, Tex.**[21] Appl. No.:** 515,097**[22] Filed:** Aug. 14, 1995**[51] Int. Cl.<sup>6</sup>** B41M 1/18; B41M 7/00;  
B41M 1/04; B41F 23/00**[52] U.S. Cl.** 101/141; 101/181; 101/183;  
101/424.1; 101/424.2; 101/479; 101/483;  
101/491; 101/DIG. 49**[58] Field of Search** 101/135-138,  
101/141-143, 450.1, 174, 180, 181, 183,  
416.1, 424.1, 424.2, 479, 491, DIG. 29,  
DIG. 49, 483**[56] References Cited****U.S. PATENT DOCUMENTS**

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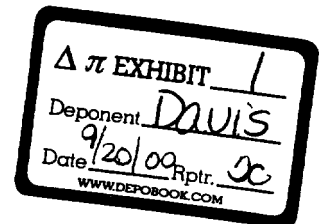
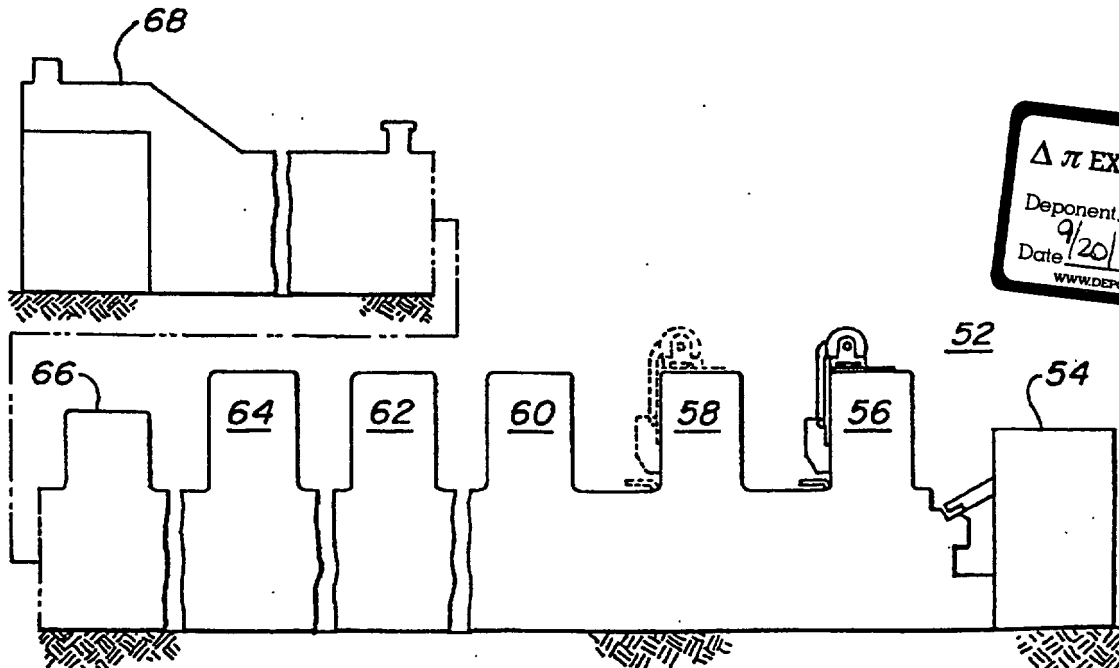
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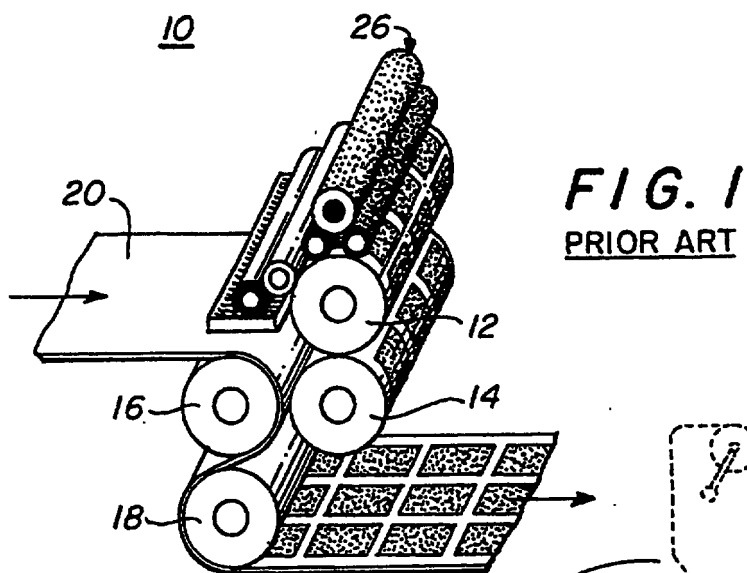
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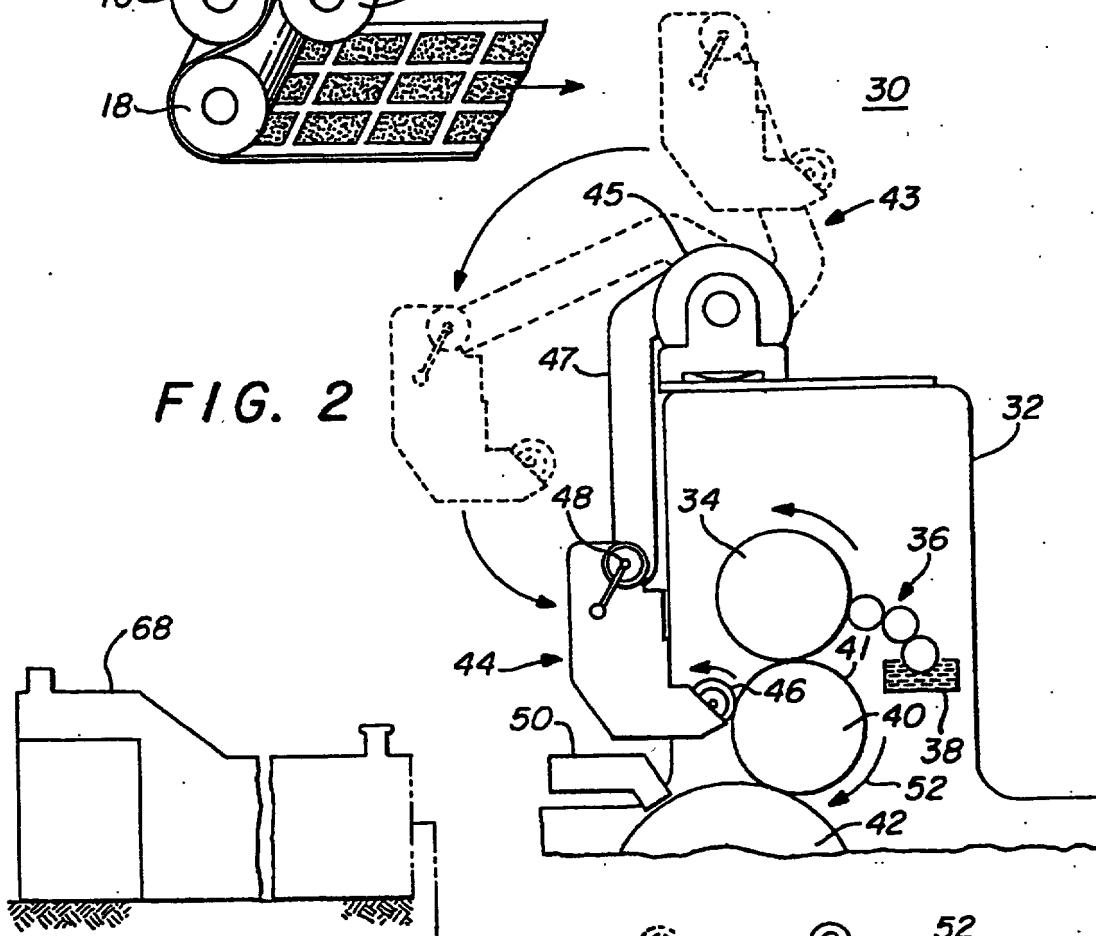
**[57]****ABSTRACT**

A combined lithographic/flexographic printing process having a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process. One of the stations prints a first color image using the flexographic process and at least one of the successive printing stations prints a second color image over the first color image using an offset lithographic process in the continuous in-line process.

**41 Claims, 1 Drawing Sheet**



**FIG. 2**



**FIG. 3**

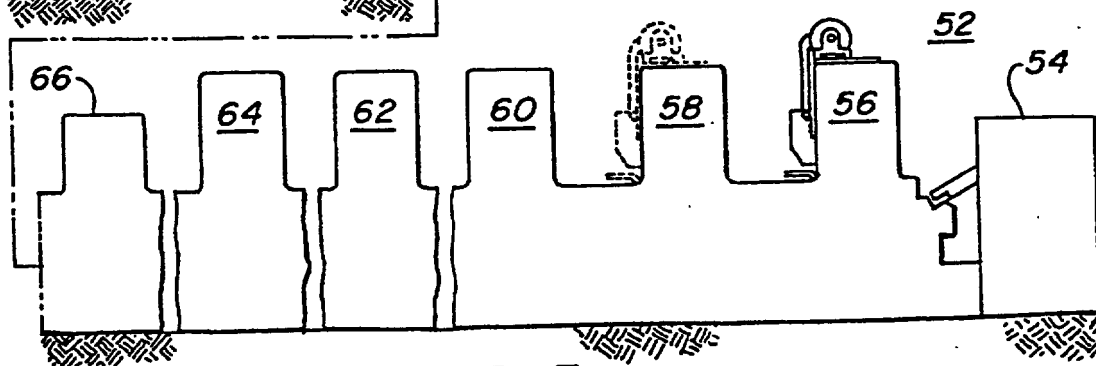


FIG. 1

# COMBINED LITHOGRAPHIC/ FLEXOGRAPHIC PRINTING APPARATUS AND PROCESS

## BACKGROUND OF THE INVENTION

### 1. Field of the Invention

The present invention relates in general to printing machines and processes and in particular to a combined lithographic/flexographic in-line printing apparatus and process.

### 2. Description of Related Art

As used herein, the following terms have the meanings indicated:

#### ANILOX ROLLER

A steel or ceramic ink metering roller. Its surface is engraved with tiny, uniform cells that carry and deposit a thin, controlled layer of ink film or coating material onto the plate. In flexo presswork, anilox rollers transfer a controlled ink film from the rubber plate (or rubber-covered roller) to the web to print the image. Anilox rollers are also used in remoistenable glue units and to create "scratch-and-sniff" perfume ads.

#### ANILOX SYSTEM

The inking method commonly employed on flexographic presses. An elastomer-covered fountain roller supplies a controlled ink film from the ink pan to the engraved metering roller. After ink floods the metering roller, the fountain roller is squeezed or wiped usually with a doctor blade to remove the excess ink. The ink that remains on the metering roller is then transferred to the rubber printing plate.

#### COATER

A device with a pan to contain the coating material, a pan roller partially immersed in the coating material contained in the pan, and a coater roller to meter off a uniform film of the coating material and apply it to the printing plate.

#### COATING

An unbroken, clear film applied to a substrate in layers to protect and seal it, or to make it glossy.

#### FLEXOGRAPHIC INK

A quick-drying, fluid ink that is highly volatile or an ink that can be water based and nonvolatile.

#### FLEXOGRAPHY

A method of rotary letterpress printing characterized by the use of flexible, rubber, or plastic plates with raised image areas and fluid, rapid-drying inks.

#### HALFTONES

Dot-pattern images that have the appearance of continuous-tone images because of the limited resolving power of the human eye. This limitation accounts for an optical illusion; small halftone dots, when viewed at the normal reading distance, cannot be resolved as individual dots but blend into a continuous tone.

#### LITHOGRAPHIC PLATES

A lithographic plate is precoated with a light-sensitive or otherwise imageable coating, and the separation between the image and nonimage areas is maintained chemically. The image areas must be ink receptive and refuse water and the nonimage areas must be water receptive and refuse ink. The wider the difference maintained between the ink receptivity of the image areas and the water receptivity of the nonimage areas, the better the plate will be, the easier it will run on the press, and, consequently, the better the printing. There are several types of lithographic plates. The plate is an image carrier that is said to be planographic, or flat and smooth.

## LITHOGRAPHY

A printing process in which the image carrier or plate is chemically treated so that the image areas are receptive to ink.

### 5 OFFSET PRINTING

An indirect printing method in which the inked image on a press plate is first transferred to a rubber blanket, that in turn "offsets" the inked impression to a press sheet. In offset lithography, the printing plate has been photochemically treated to produce image areas receptive to ink.

### 10 SLURRY

A water suspension of fibers or the suspension of pigment and adhesive used to coat papers. It may also include a suspended metallic material such as uniform-sized metal particles or nonuniform-sized metal particles.

### 15 ULTRAVIOLET INKS

Printing inks containing an activator that causes the polymerization of binders and solvents after exposure to a source of ultraviolet radiation.

20 Offset lithography is a process that is well known in the art and utilizes the planographic method. This means that the image and nonprinting areas are essentially on the same plane of a thin metal plate and the distinction between them is maintained chemically. There are two basic differences between offset lithography and other processes. First, it is based on the principle that grease and water do not mix. Second, the ink is offset from the first plate to a rubber blanket and then from the blanket to a substrate on which printing is to occur such as paper.

30 When the printing plate is made, the printing image is made grease receptive and water repellant and the nonprinting areas are made water receptive and ink repellant. The plate is mounted on the plate cylinder of the press which, as it rotates, comes in contact successively with rollers wet by a water or dampening solution and rollers wet by ink. The dampening solution wets the nonprinting areas of the plate and prevents the ink from wetting these areas. The ink wets the image areas which are transferred to the intermediate blanket cylinder. The inked image is transferred to the substrate as it passes between the blanket cylinder and the impression cylinder. Transferring the image from the plate to a rubber blanket before transfer to the substrate is called the offset principle.

35 One major advantage of the offset principle is that the soft rubber surface of the blanket creates a clearer impression on a wide variety of paper surfaces and other substrate materials with both rough and smooth textures with a minimum of press preparation.

40 Offset lithography has equipment for short, medium and long runs. Both sheetfed and web presses are used. Sheetfed lithography is used for printing advertising, books, catalogs, greeting cards, posters, labels, packaging, folding boxes, decalcomanias, coupons, trading stamps, and art reproductions. Many sheetfed presses can perfect (print both sides of the paper) in one pass through the press. Web offset is used for printing business forms, newspapers, preprinted newspaper inserts, advertising literature, catalogs, long-run books, encyclopedias, and magazines.

45 In offset lithography, the rubber blanket surface conforms to irregular printing surfaces, resulting in the need for less pressure and preparation. It has improved print quality of text and halftones on rough surfaced papers. Further, the substrate does not contact the printing plate thereby increasing plate life and reducing abrasive wear. Also, the image on the plate is right for reading rather than reverse reading. Finally, less ink is required for equal coverage, drying is speeded, and smudging and setoff are reduced. Setoff is a



condition that results when wet ink on the surface of the press sheets transfers or sticks to the backs of other sheets in the delivery pile.

Thus, in summary, conventional lithographic offset printing machines or presses comprise one or more image printing stations each having a printing roller or a plate cylinder to which is fastened a thin hydrophilic, oleophobic printing plate having image areas which are oleophilic and hydrophobic and background areas which are oleophobic and hydrophilic. The plate surface is continuously wetted with an aqueous damping solution which adheres only to the background areas and inked with oleo-resinous inks which adhere only to the image areas of the plate as wet ink. The ink is offset transferred to the rubber surface of a contacting blanket cylinder and then retransferred to the receptive surface of a copy web or a succession of copy sheets, such as paper, with an impression cylinder and the ink air dries by oxidation and curing after passing through a drying station.

It is also known to provide the printing machine with a downstream coating station having a blanket roller associated with a coating application unit for the application of an overall protective coating over the entire printed area of the copy sheets or web.

It is known to apply pattern coatings of protective composition by means of blanket rolls by cutting into the rubber surface of the blanket to create raised or relief surface areas which selectively receive the coating composition from the application roll for retransfer to selected areas of the copy sheets in form of pattern coatings. See U.S. Pat. No. 4,796,556.

Lithographic inks are formulated to print from planographic surfaces which use the principle that grease and water do not mix. Lithographic inks are generally very strong in color value to compensate for the lesser amount applied. They are among the strongest of all inks. The average amount of ink transferred to the paper is about half that of letter press because of the double split of the ink film between the plate cylinder and the blanket cylinder and the blanket cylinder and the substrate on the impression cylinder.

Problems occur in the offset lithographic process when attempting to print certain colors such as white and in particular white on other colors such as yellow because the color white will be faint and not sufficiently strong. In such cases, the sheet or paper or substrate requiring the white ink usually has to be run through the same printer several times before the white becomes sufficiently strong.

Further, such colors are not generally printable in an offset lithographic printing process. This means that the sheets or substrate must be removed and transferred to a second type of machine using the flexographic process to apply greater amounts of ink in successive printing runs to achieve the desired print quality.

A like situation occurs with the printing of slurry-type materials such as "scratch-and-sniff" materials which is a liquid vehicle with a slurry containing an encapsulated essence. Such liquid vehicles, because of the nature of the slurry, must be printed with a flexographic process because the anilox roller can supply greater amounts of ink to the flexo plate on the plate cylinder.

Again, when a liquid vehicle with a slurry having suspended material therein such as metallic particles is to be printed, an offset lithographic process cannot be used without the mixing of the aqueous solution with metallic inks which cause a dulling of the image. Further, the above-mentioned double split of the ink film adds to the dulling of the image. Therefore, to achieve desired results, the printing must take place with a flexographic printing machine.

Thus, liquid opaque coatings or inks such as white colored ink, scratch-and-sniff vehicles, and slurries with metal particles do not achieve desired results when printed in an offset lithographic process and must be transferred from the offset lithographic in-line machines to a separate machine for printing in a separate run.

Such requirements not only hinder the speed of the printing process but also require additional time and thus increase the cost of the printing.

It would be advantageous to have a continuous in-line process in which not only offset lithographic printing could take place but in which, in the same in-line process, liquid printing vehicles including opaque coatings, such as white ink, and slurries containing encapsulated essences or metallic particles could also be printed and dried not only before the printing of the offset lithographic inks but also in which, after the liquid opaque coatings have been applied, an overcoating could be applied to the printed liquid vehicle image using the lithographic process in the continuous in-line process.

#### SUMMARY OF THE INVENTION

The present invention provides for a continuous in-line printing process having a plurality of successive printing stations for printing color images on a substrate. At least one of the stations prints a liquid vehicle image on a substrate with an opaque coating using the flexographic process and at least one of the successive printing stations printing a second color image over the liquid vehicle image on the printed substrate using the lithographic process in the continuous in-line process.

In the novel inventive system, a single in-line continuous printing process is used. One of the stations may print a liquid vehicle image on a substrate that contains a slurry with an encapsulated essence therein utilizing the flexographic process. Another one of the stations may apply an overcoating over the liquid vehicle image on the printed substrate using a lithographic process. Still another of the stations may print an aqueous-based vehicle image including a suspended metallic material therein using the flexographic process to form a metallic coating and thereafter at least one of the successive printing stations prints a color image over the aqueous-based vehicle image using the lithographic offset process in the continuous in-line process.

Whenever a station is used for flexographic printing, a flexographic plate image is placed on the blanket cylinder for receiving the liquid vehicle and transferring the liquid vehicle to the impression cylinder for printing. An anilox roller is associated with the flexographic plate for supplying the liquid vehicle which may be an aqueous-based vehicle.

In addition, in such case, a high-velocity air dryer is associated with the impression cylinder of one or more of the printing stations where the printing on the substrate is occurring to assist in drying the ink or liquid vehicle printed on the substrate while it is on or near the impression cylinder, before the substrate arrives at the next successive station for additional printing, or before printing occurs at the next successive station.

Thus, if a liquid vehicle such as white ink is to be printed, it is printed with a flexographic process which deposits a greater amount of ink on the substrate, the ink is dried with a high-velocity air dryer while the substrate is on or near the impression cylinder and prior to the substrate being received by the next successive station. If desired, at the next successive station the printing of the white liquid vehicle may again take place thus ensuring the desired intensity of

whiteness on the substrate. Subsequently, at the next succeeding station a printing may take place on top of the white printing and such printing may continue at the remaining successive stations.

Thus, it is an object of the present invention to provide a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process and in which some of the stations print using the flexographic process and other of the stations print utilizing the offset lithographic process.

It is also an object of the present invention to print an aqueous-based vehicle image including a suspended metallic material therein using the flexographic process at one printing station and at least one successive printing station printing a color image over the aqueous-based vehicle image using a lithographic process in a continuous in-line process or placing an overcoating over the aqueous-based vehicle image using the flexographic process and then printing at successive stations using the lithographic process.

It is yet another object of the present invention to provide a continuous in-line printing process in which one of the stations prints a liquid vehicle image on the substrate with a slurry containing an encapsulated essence using the flexographic process and at least one of the successive printing stations applies an overcoating over the liquid vehicle image on the printed substrate using the offset lithographic process in a continuous in-line process.

#### BRIEF DESCRIPTION OF THE DRAWINGS

These and other features of the present invention will be more fully disclosed when taken in conjunction with the following DETAILED DESCRIPTION OF THE PRESENT INVENTION in which like numerals represent like elements and in which:

FIG. 1 is a schematic view of a prior art offset lithography printing station;

FIG. 2 is a generalized depiction of a printing station that may be used either as an offset lithographic station or a flexographic printing station and illustrates how the station may be converted from an offset lithographic station to a flexographic station; and

FIG. 3 illustrates the continuous in-line process of the present invention comprising a plurality of printing stations, each of which can be converted from an offset lithographic printing station to a flexographic printing station as well as a final coating station.

#### DETAILED DESCRIPTION OF THE PRESENT INVENTION

FIG. 1 is a schematic representation of a well-known offset lithography printing station 10 having a plate cylinder 12, a blanket cylinder 14, and an impression cylinder 16. The printing medium or substrate, such as paper 20 either in sheet form or web, is fed over the impression cylinder 16 in printing contact with the blanket cylinder 14 to receive the image and then passes over the paper transfer cylinder 18 with the image printed thereon. An inking system 26, well known in the art, transfers the ink from the ink supply to the plate cylinder 12. This is a typical offset lithography printing station.

As disclosed in U.S. Pat. No. 4,796,556, offset lithographic printing machines generally have a plurality of in-line liquid application stations at least one of which is an ink image printing station for printing lithographic ink images on to suitable receptive copy sheets. The final

downstream liquid application station is a coating application station for printing a protective and/or aesthetic coating over selected portions of or over the entire ink-image printed surface of the copy sheets and can also be used to print metallic coatings or slurry. As stated in U.S. Pat. No. 4,796,556, two liquid application stations are shown, the latter including a coating apparatus and the first station being a conventional offset image printing station. The coating application printing station is one that can be modified to convert it either permanently or intermittently to a coating station from an offset lithographic station.

Such a station is illustrated in FIG. 2 herein. The station 30 comprises a housing 32 which includes therein a plate cylinder 34 that is fed with an ink system of rollers 36 that take ink from an ink supply 38 and transfer it to the plate cylinder 34. A blanket cylinder 40 is in ink transfer relationship with the plate cylinder 34 and the impression cylinder 42 where the image is transferred to a substrate passing between blanket cylinder 40 and impression cylinder 42 as blanket cylinder 40 rotates in the direction of arrow 52. This is a conventional offset lithographic printing station. When it is desired to convert that station into a coater station, the coater apparatus 43 has a coater head 44 including a supply of liquid coating and an anilox roller 46 that can be moved such that it can be in contact with either the blanket cylinder 40 for direct printing or the plate cylinder 34 for offset printing. In this case, the ink rollers 36 for the lithographic system are removed from engagement with the plate cylinder 34 in a well-known manner. The coater unit 43 includes a motor device 45, an arm 47, and a pivotal connection 48 that connects the coater head 44 with the remainder of the assembly.

As stated previously, the offset lithographic machine of FIG. 2 is converted as shown therein to a coater that is used only in the last stage of an in-line printing process. It has not been able to be used in stages other than the last printing station because the ink that is placed on the blanket cylinder by means of an anilox roller is still wet when it arrives at the subsequent stations, thus causing smearing of the printed material and causing a general impossibility of printing other information thereon. However, applicant has modified the station shown in FIG. 2 by the addition of a high-velocity air dryer 50 that is associated with the impression cylinder 42 directly after the ink is transferred from the blanket cylinder to the substrate on the impression cylinder. Thus by using flexographic inks, or aqueous coatings which are naturally quick-drying inks, and the high-velocity air dryer 50 located at the point where the ink is applied to the substrate on the impression cylinder, the ink is sufficiently dried when it passes to the next station that further printing can take place on the printed substrate.

Thus, as shown in FIG. 3, a conventional in-line offset lithographic printing machine 52 is shown having an apparatus to feed paper into the said machine, referred to as a feeder 54, printing stations 56, 58, 60, 62, and 64 and a coating station 66. A delivery station 68 receives the printed material or substrates. Thus there are a plurality of successive printing stations 56, 58, 60, 62, and 64 for printing color images on the substrate in a continuous in-line process. Any one of the printing stations 56-64 can be modified as generally shown therein and as illustrated in FIG. 2 to print a first color image using the flexographic process. The succeeding printing stations can then print a second color image over the first color image using the lithographic process in the continuous in-line process. As illustrated in FIG. 2, the flexographic process printing station includes the blanket cylinder 40 and the impression cylinder 42. A

flexographic plate 41 on the blanket cylinder 40 has an image thereon for receiving the first color from the anilox roller 46 and transferring that first color image to the impression cylinder 42 for printing on the substrate. The high-velocity air dryer 50 thus dries the flexographic ink on the substrate and passes the substrate to the subsequent printing station. Thus in FIG. 3, station 56 may be modified as generally shown therein and as illustrated in FIG. 2 and a flexographic ink can be printed thereon at station 56, dried by the high-velocity air dryer 50, and coupled to subsequent in-line stations 58-64 for further printing a second or more color images over the first color image using the offset lithographic process in a continuous in-line process. The flexographic printing station shown in FIG. 2 may print a liquid vehicle image on the substrate with a slurry containing an encapsulated essence. At at least one of the successive printing stations 58-64 an overcoating may be applied over the liquid vehicle image on the printed substrate using the flexographic process in the continuous in-line process. The overcoating may be an aqueous overcoating, or an ultraviolet overcoating. In addition, the substrate may be a sheet or a web 20 as illustrated in FIG. 1 or it may be single sheet fed in the continuous in-line process from the stack sheets shown at 54 in FIG. 3.

Further, the modified flexographic printing station 30 shown in FIG. 2, as stated previously, may be any one of the stations 56-64 in FIG. 3, and as illustrated by stations 56 and 58, and may print an aqueous-based vehicle image including a suspended metallic material therein using the flexographic process to form a metallic coating. Again, after it is dried by the high-velocity air dryer 50, it may be passed to one of the successive printing stations for printing a color image over the aqueous-based vehicle image using the offset lithographic process in the continuous in-line process. The suspended material may include uniform-sized metal particles to form the metallic coating or it may include nonuniform or multiple-sized metal particles to form the metallic coating.

The present invention is especially useful when a liquid opaque coating must be printed such as a white color ink. In that case, it may be desirable to have both stations 56 and 58 modified as shown in FIG. 3 and as illustrated in detail in FIG. 2. In such case, the anilox roller 46 at each station delivers the white ink in the same pattern to the flexographic plate 41 on the blanket cylinder 40 for transfer to the substrate on the impression cylinder 42. As the substrate passes the high-velocity drying station 50, the ink is dried and the second station may again print the same white pattern on the substrate to increase the quality of the white ink appearance after it is applied to the substrate.

Thus, the station or stations that are converted to flexographic printing stations may have an ink-providing means 46 at the printing station for applying a flexographic ink to the blanket cylinder to form the image. A substrate receives the flexographic ink image transfer from the blanket cylinder and at least one subsequent printing station in the in-line process receives the image-printed substrate and prints an additional coated ink image on the substrate on top of the flexographic ink image using offset lithography. The additional colored ink images that can be printed on top of the flexographic ink images can be conventional lithographic inks or waterless inks.

Further, the colored ink images may be printed with halftone screening processes. The flexographic ink image and the colored ink images may also be printed in solids and/or halftone printing plates in sequence and in registry in successive printing stations to produce a multicolored image on the substrate. Further, the printing apparatus may include a sheetfed press or a web press.

In the present invention, at least one of the flexographic printing stations prints an image with liquid vehicle slurry containing an encapsulated essence. In another embodiment, at least one of the printing stations prints an image with a water-based liquid vehicle containing suspended particles that are either uniform or nonuniform in size. The suspended particles may be metallic particles up to substantially 16 microns in diameter.

The present invention may also use the metallic color printing process as disclosed in commonly assigned U.S. Pat. No. 5,370,976 incorporated herein by reference in its entirety.

In one aspect, the novelty of the present invention is to create a flexographic printing station that can be used at one of a plurality of printing stations in a continuous in-line process and in which, at a subsequent printing station, a lithographic process may be used to print over the liquid vehicle printed by the flexographic station.

Thus, there has been disclosed an apparatus for a combined lithographic/flexographic printing process that includes a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process and wherein one of the stations prints a first color image using the flexographic process and at least one of the successive printing stations prints a second color image over the first color image using the lithographic process in the continuous in-line process.

While the invention has been described in connection with a preferred embodiment, it is not intended to limit the scope of the invention to the particular form set forth, but, on the contrary, it is intended to cover such alternatives, modifications, and equivalents as may be included within the spirit and scope of the invention as defined by the appended claims.

We claim:

1. Apparatus for a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for printing color images on the substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a liquid vehicle image on said substrate with a slurry containing an encapsulated essence using the flexographic process;

at least one of said successive printing stations being a lithographic printing station; and

an overcoating applied over the liquid vehicle image on the printed substrate at at least one of said successive lithographic printing stations using the lithographic process in said continuous in-line process.

2. Apparatus as in claim 1 wherein said overcoating is an aqueous overcoating.

3. Apparatus as in claim 1 wherein said overcoating is an ultraviolet ink overcoating.

4. Apparatus as in claim 1 wherein:

said substrate is a paper sheet; and

said apparatus includes a sheet feeder.

5. Apparatus as in claim 1 wherein:

said substrate is a web; and

said apparatus includes a web feeder.

6. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station printing an aqueous-based vehicle image using the flexographic process to form a metallic coating; a suspended metallic material being included in said aqueous-based vehicle image; and

at least one of the successive printing stations comprising an offset lithographic printing station printing a color image over the aqueous-based vehicle image using the offset lithographic process in said continuous in-line process.

7. Apparatus as in claim 6 wherein said suspended material includes uniform-sized metal particles to form said metallic coating.

8. Apparatus as in claim 6 wherein said suspended material includes nonuniform-sized metal particles to form said metallic coating.

9. Apparatus as in claim 6 further including: said flexographic printing station including a plate cylinder having a flexographic plate thereon, a blanket cylinder, and an impression cylinder;

a flexographic plate image transferred from said plate cylinder to said blanket cylinder, said image being formed of said metallic coating, said blanket cylinder transferring said metallic coating to said impression cylinder for printing said flexographic plate image on said substrate; and

an anilox roller associated with said flexographic plate for supplying said aqueous-based vehicle containing said suspended metallic material to said flexographic plate.

10. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a first color image using the flexographic process; and

at least one of the successive printing stations comprising an offset lithographic printing station for printing a second color image over the first color image using the offset lithographic process in said continuous in-line process.

11. Apparatus as in claim 10 further including:

said flexographic printing station including a plate cylinder, a blanket cylinder, and an impression cylinder;

a flexographic plate on said plate cylinder;

an anilox roller associated with said flexographic plate for supplying a first color to said flexographic plate to form said first color image; and

said blanket cylinder receiving said first color image from said plate cylinder and transferring said first color image to said impression cylinder for printing on said substrate.

12. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for printing color images on the substrate in a continuous in-line process;

at least two successive ones of said printing stations being flexography stations and comprising:

(1) a supply of liquid coating;

(2) a plate cylinder associated with a blanket cylinder, said plate cylinder having a flexographic plate thereon;

(3) an anilox roller associated with said liquid supply coating and said plate cylinder for delivering said liquid coating to said flexographic plate to form an image for transfer to said blanket cylinder;

(4) an impression cylinder for receiving said liquid coating image transferred from said blanket cylinder and printing said image on said substrate, said at least two flexography stations printing the same liquid coating image in sequence and in superimposed relationship; and

at least one offset lithographic printing station for receiving said substrate and printing over said liquid coating image.

13. Apparatus as in claim 12 wherein said liquid coating image printed on said substrate is a white color ink.

14. Apparatus as in claim 12 further including an air dryer associated with each of said impression cylinders on said flexography stations, said air dryer having sufficient air velocity for drying said liquid coating before the substrate is transferred to the successive printing station in said continuous in-line process.

15. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

a blanket cylinder at at least a first one of said flexographic printing stations;

flexographic ink-providing means at said at least first one of said flexographic printing stations for applying a flexographic ink to said blanket cylinder to form an image;

a substrate for receiving said flexographic ink image transferred from said blanket cylinder; and

at least one subsequent lithographic printing station in said in-line process for receiving said image printed substrate and printing an additional colored ink image on said substrate on top of said flexographic ink image using offset lithography.

16. Apparatus as in claim 15 further comprising:

a plate cylinder at said at least first one of said flexographic stations;

a flexographic plate on said plate cylinder for receiving and transferring said flexographic ink to said blanket cylinder; and

said flexographic ink-providing means including a flexographic ink supply and an anilox roller associated with said flexographic ink supply for transferring said flexographic ink to said flexographic plate.

17. Apparatus for a combined lithographic/flexographic printing process for printing a multicolored image comprising:

a plurality of successive printing stations for printing color on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

at least one of said flexographic printing stations having:

(1) a plate cylinder and a blanket cylinder, said plate cylinder including a flexographic plate having an image thereon for transferring a flexographic color ink image to said blanket cylinder;

(2) an etched anilox roller for applying a flexographic color ink to said flexographic plate on said plate cylinder;

(3) an impression cylinder in ink-transfer relationship with said blanket cylinder for transferring said flexographic color ink image from said blanket cylinder to said substrate; and

at least one of said succeeding printing stations being a lithographic printing station using offset lithography for printing additional colored ink images on top of said flexographic ink image.

18. Apparatus as in claim 17 wherein said additional colored ink images are formed with lithographic inks.

19. Apparatus as in claim 17 wherein said colored ink images are formed with waterless inks.

20. Apparatus as in claim 17 further including an air dryer adjacent to said impression cylinder for drying the flexographic ink image transferred to said substrate before said additional colored ink images are printed thereon.

21. Apparatus as in claim 17 further including halftone printing plates for printing said colored ink images.

22. Apparatus as in claim 17 wherein said flexographic ink image and said colored ink images are printed as solid colors and/or with halftone printing plates in sequence and in registry in said successive printing stations to produce said multicolored image on said substrate.

23. Apparatus as in claim 17 wherein said printing apparatus includes a sheet-fed press.

24. Apparatus as in claim 17 wherein at least one of said flexographic printing stations prints said flexographic ink image with liquid vehicle slurry containing an encapsulated essence.

25. Apparatus as in claim 17 wherein at least one of said printing stations prints said flexographic ink image with a water-based liquid vehicle containing suspended particles.

26. Apparatus as in claim 25 wherein said suspended particles are uniform in size.

27. Apparatus as in claim 25 wherein said suspended particles are nonuniform in size.

28. Apparatus as in claim 25 wherein said suspended particles are metallic particles.

29. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a plurality of successive lithographic/flexographic printing stations for printing colored ink images on a substrate;

printing a flexographic ink image on said substrate at at least one of said flexographic stations;

transferring said printed substrate to at least one subsequent printing station in said continuous in-line process; and

printing colored ink images on top of said flexographic ink image at at least one of said subsequent lithographic printing stations with an offset lithographic process.

30. A method as in claim 29 further comprising the step of drying said flexographic ink image on said substrate with an air dryer prior to printing said colored ink images thereon.

31. A method as in claim 29 further including the step of printing a coating on top of said colored ink images at one of said plurality of subsequent printing stations.

32. A method as in claim 29 wherein said colored inks forming said colored ink images are waterless.

33. A method as in claim 29 wherein said colored inks forming said colored ink images are in a solvent-based liquid vehicle.

34. A method as in claim 29 further including the steps of: printing a slurry on said substrate at any of said printing stations in said continuous in-line process;

using an encapsulated essence in said slurry; and

printing an overcoating over said slurry at a subsequent printing station in said in-line process to protect said essence.

35. A method as in claim 34 further including the step of printing an aqueous-based coating over said slurry.

36. A method as in claim 34 further including the step of printing an ultraviolet coating over said slurry.

37. A method of combining offset lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a substrate;

applying a flexographic ink to a blanket cylinder in a pattern with a coating head at a first flexographic printing station;

transferring said pattern of flexographic ink from said blanket cylinder to the substrate; and

printing a waterless ink pattern over said flexographic ink pattern on said substrate at at least one subsequent offset lithographic printing station in said continuous in-line process.

38. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

printing an aqueous-based vehicle image having suspended particles therein on a substrate at a first flexographic printing station;

transferring said image printed substrate to at least one additional printing station in said continuous in-line process; and

printing additional colored ink images on said printed substrate over said aqueous-based vehicle image in an offset lithographic process at said at least one additional printing station in said in-line process.

39. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

(1) providing a plurality of successive printing stations for printing liquid vehicle images on a substrate in said in-line continuous process;

(2) utilizing an anilox roller to transfer a liquid ink as said liquid vehicle to a flexographic plate image at at least one of said printing stations;

(3) printing said liquid ink from said flexographic plate image to a substrate;

(4) transferring said printed substrate with said liquid ink image to a subsequent printing station in said in-line printing process;

(5) repeating steps (2)-(4) at subsequent printing stations in said in-line process to achieve a desired opacity ink image on said substrate; and

(6) printing an ink pattern over said flexographic ink image using an offset lithographic process.

40. A method as in claim 39 further including the step of additionally printing colored ink images over said liquid ink image on said substrate at subsequent ones of said printing stations in said in-line process.

41. A method as in claim 40 wherein said liquid ink is an opaque white color.

1997-1998

2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:

**BILL L. DAVIS and JESSE S. WILLIAMSON**

For Reissue of U. S. Patent 5,630,363  
Issued May 20, 1997  
Serial No. 08/515,097

Filing May 20, 1999

Group Art Unit: \_\_\_\_\_

Examiner: \_\_\_\_\_

For: **COMBINED LITHOGRAPHIC/  
FLEXOGRAPHIC PRINTING  
APPARATUS AND PROCESS**

**JOINT DECLARATION SUBMITTED UNDER 37 C.F.R. §1.57 (b)**

TO: The Honorable Commissioner of  
Patents and Trademarks  
Washington, D C 20231

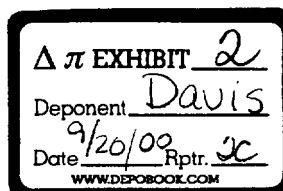
SIR,

Petitioners (1) Bill L. Davis, of 1126 Tipton Road, Irving, Texas 75067; and (2) Jesse S. Williamson, of 5738 Caruth, Dallas, Texas 75209, declare that:

1. In approximately June 1994, Williamson Printing Corporation ("Williamson Printing"), Petitioner's employer, ordered several printing presses from Heidelberger Druckmaschinen of Heidelberg, Germany ("Heidelberg"). One of these presses, a seven-color press with a tower coater ("the seven-color press") was installed at Williamson Printing in approximately October 1994. Both before, during and after this time, Petitioners and Williamson Printing researched and observed flexographic printing/coating systems offered by several companies, including Printing Research, Inc. ("Printing Research"). In approximately October-November 1994, Printing Research demonstrated to Petitioners its end-of-press anilox coating

JOINT DECLARATION SUBMITTED UNDER 37 C.F.R. §1.57 (b)

Page 1



W000768

EXHIBIT 1

system, known as the plate blanket coater. This system was demonstrated using flexographic plates, inks, coatings, and slurries.

2. Printing Research's end-of-press plate blanket coater is shown in Figure 1 of Printing Research's brochure, which is attached as Exhibit 1, together with the correspondence from Printing Research with which it was sent. The plate/blanket coater shown in Figure 1 of the brochure will not work on presses with extended delivery such as the Heidelberg presses purchased by Williamson Printing.

3. In approximately December 1994, Petitioners requested Printing Research to design and install on the tower coater at the end of Williamson Printing's seven-color press an experimental flexographic printer coater having an anilox roller. This experimental printer coater was different from the plate/blanket coater shown in Figure 1 of Exhibit 1, and it was installed on the downstream side of the tower coater at the end of the seven-color press. In approximately January 1995, this experimental printer coater was tested at Williamson Printing using flexographic plates, inks, coatings, and slurries.

4. One of the other presses purchased by Williamson Printing from Heidelberger in approximately June 1994 was a triple tower press ("triple tower press"), which is also known as the LYL press. The triple tower press arrived at Williamson Printing in approximately February 1995 and was installed thereafter.

5. In approximately late January or early February 1995, Petitioners requested Printing Research to design and install on the first printing station of the triple tower press a flexographic printer coater like the experimental printer coater installed on the seven-color press. This unit was installed on the seven-color press in approximately mid-March 1995. Thus, at or about this time, Petitioners' invention was disclosed or imparted, at least in part, to Printing Research. To the best of our recollection, at no time did Petitioners or other technical personnel from Williamson Printing and technical personnel from Printing Research exchange technical memoranda as to the invention disclosed in the '363 patent or otherwise work together intimately in an integrated joint research project regarding Petitioners' '363 process. The only



correspondence we can find between Williamson Printing and Printing Research after Exhibit 1, and prior to installation of the interstation printer coater, is attached hereto as Exhibit 2.

6. The coater apparatus designed and installed on the first printing station of the triple tower press is the coater apparatus 43 shown in Figure 2 of the U. S. Patent No. 5,630,363 ("the '363 patent") and described in the specification at, for example, col. 6, lines 22-32. As explained in the specification of the '363 patent, coater apparatus 43 may be used to convert a conventional offset lithographic printing station to a station for performing the flexographic process to apply flexographic inks, coatings, and other liquid vehicles containing suspended particles such as metal particles or encapsulated essences. Figure 2 of the '363 patent does not show or describe the end-of-press plate/blanket coater of the brochure of Exhibit 1, but reflects a custom-made interstation printer coater designed at the request of Petitioners for Petitioners' method.

7. Subsequent to the filing date on August 14, 1995 of Petitioners' application leading to the '363 patent, Howard W. DeMoore and two other employees of Printing Research filed two applications on October 2, 1995, Serial Nos. 538,123 and 538,274, having common disclosure leading to U. S. Patents No. 5,615,316 (method) and No. 5,598,777 (apparatus). Neither the '316 or '777 patents disclose or claim Petitioners' claimed method or claimed apparatus, or the apparatus of Figure 2 of the '363 patent, or even the previously mentioned apparatus of Figure 1 of Exhibit 1.

8. On January 19, 1999, Petitioners and representatives of Printing Research, including Howard W. DeMoore and Steve Garner, attended a meeting with Petitioners at Williamson Printing's offices. At that time, Mr. DeMoore, for the first time, informed Petitioners that he had learned of the '363 patent. In the ensuing discussion about the '363 patent at that meeting, Petitioner Williamson informed Mr. DeMoore that Williamson Printing was willing to grant Printing Research a license under the '363 patent in exchange for payment of a royalty. At that meeting, no claim was made by any representatives of Printing Research that Mr.

DeMoore or any other employees of Printing Research were co-inventors of the invention of the '363 patent.

9 Following this meeting, another meeting was held at Williamson Printing on January 29, 1999, which was attended by Petitioners, other employees of Williamson Printing, and representatives of Printing Research. At this meeting, the basis for determining a royalty for a license under the '363 patent was discussed, and Mr. DeMoore said that Printing Research would pay a royalty for a license under the '363 patent.

8 The parties commenced writing each other after these January meetings starting in early February 1999. (See Exhibit 3) On or about March 31, 1999, a letter addressed to Mr. Jerry Williamson, the Chairman of the Board of Williamson Printing, was hand delivered to Williamson Printing by Steve Garner of Printing Research. A copy of this letter is attached as Exhibit 4. In that letter, Mr. DeMoore claimed for the first time that one or more employees of Printing Research should have been designated as co-inventors of the invention of the '363 patent.

9 On or about April 7, 1999, a letter was sent by Jerry Williamson to Mr. Howard DeMoore in response to the letter of March 31, 1999. A copy of the April 7, 1999, letter is attached hereto as Exhibit 5. In the fourth paragraph of that letter, Mr. Williamson stated the following:

We are quite surprised by your latest position that somehow you and/or others at PRI should be named as inventors on the patent. It is unusual that you would now, for the first time, make such an allegation after so many prior discussions regarding PRI taking a license under the patent. Apparently, your allegation was made only after PRI was dissatisfied with WPC's proposed royalty rate to license the patent.

In the fifth paragraph of this letter, Mr. Williamson stated the following:

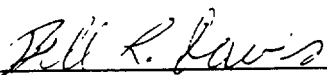
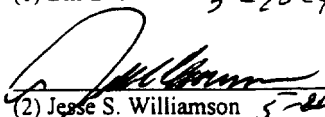
In any event, based on the information provided to me and discussions with our patent attorney, we believe Bill and Jesse are the correct, and are the only inventors because they had a complete conception of the claimed invention before PRI was asked to design the equipment, to which you refer in your letter, for use with our process. If you have any additional information concerning this matter, please forward it to me as quickly as possible for our review and discussion.

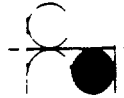
10. On or about April 13, 1999, Jerry Williamson received another letter from Mr. DeMoore, a copy of which is attached as Exhibit 6. In response to Mr. DeMoore's letter of April 13, 1999, Jerry Williamson sent a letter dated April 23, 1999, to Mr. DeMoore. A copy of this letter is attached hereto as Exhibit 7.

11. On or about April 27, 1999, Mr. DeMoore again wrote Jerry Williamson in regard to inventorship of the '363 patent. A copy of this letter is attached hereto as Exhibit 8. In response to Mr. DeMoore's letter of April 27, 1999, Jerry Williamson, on or about May 5, 1999, sent another letter to Mr. DeMoore, a copy of which is attached as Exhibit 9. In the fourth paragraph of this letter, Mr. Williamson again requested Mr. DeMoore to provide for Williamson Printing's consideration "any documentation indicating that you, or anyone else at Printing Research, should be designated as an inventor of the printing apparatus described in claims 1-28 of our patent, or the process described in claims 29-41 of our patent . . . ." To the best of Petitioners' knowledge, no such documentation or additional information on this subject has been provided to Williamson Printing by Printing Research.

12. At no time has Printing Research asserted to Petitioners that the '316 or '777 patents disclose or claim a common invention with our '363 patent.

Petitioners hereby declare that all statements herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
(1) Bill L. Davis 5-20-99  
  
(2) Jesse S. Williamson 5-20-99



Printing Research, Inc.

'Mark-less' Super Blue'

December 16, 1994

Mr. Bill Davis  
Williamson Printing Corporation  
6700 Denton Drive  
Dallas TX 75229

Dear Bill,

We have enclosed drawings showing the 5 Heidelberg Speedmaster CD press configurations ordered by yourselves.

We look forward to our test runs on the Super Blue EZ Blanket Coater next week.

Sincerely yours,

John Bird  
Product Manager

JB:ln

Enclosures: DWG

cc: Steve Baker

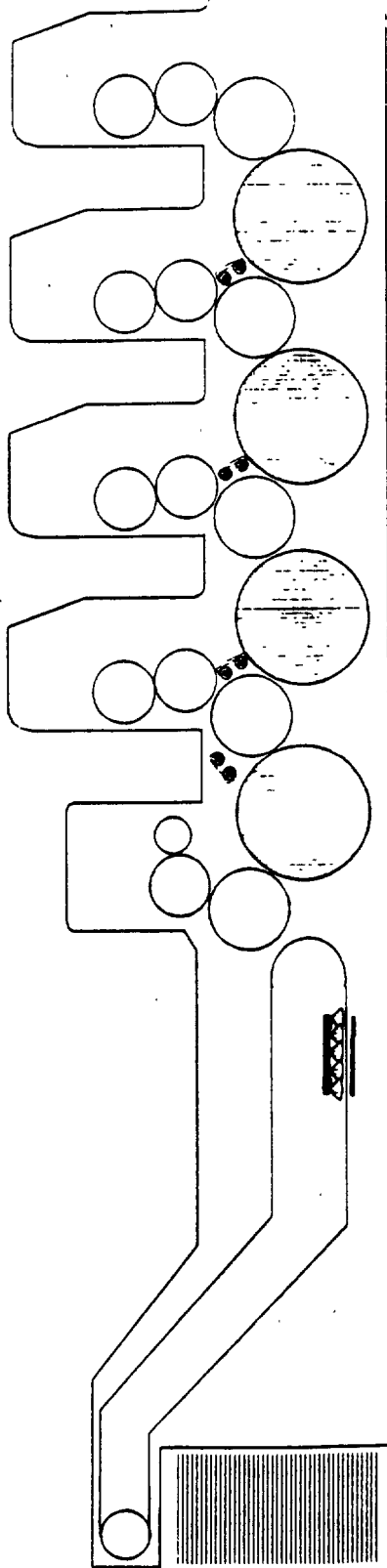
W000773



Williamson Printing Corporation

Press No. 1, 2, 4 & 5

Heidelberg  
Speedmaster CD  
with Coating Tower  
and Extended Delivery



**Legend:**

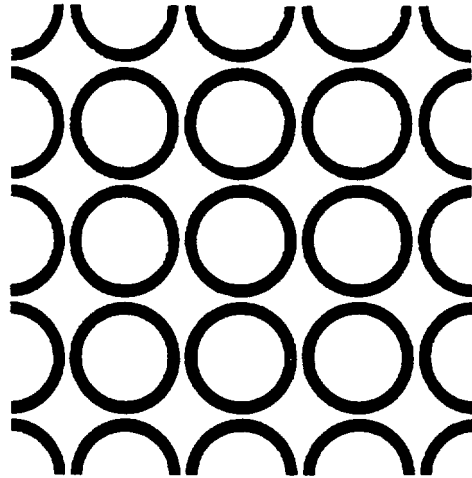
○ Super Blue® Wash-Free Anti-Marking Cylinder

▨ Super Blue® Air Blanket Infrared Dryer

● Super Blue® High Velocity Hot Air Dryer

Printing Research, Inc.

W000774



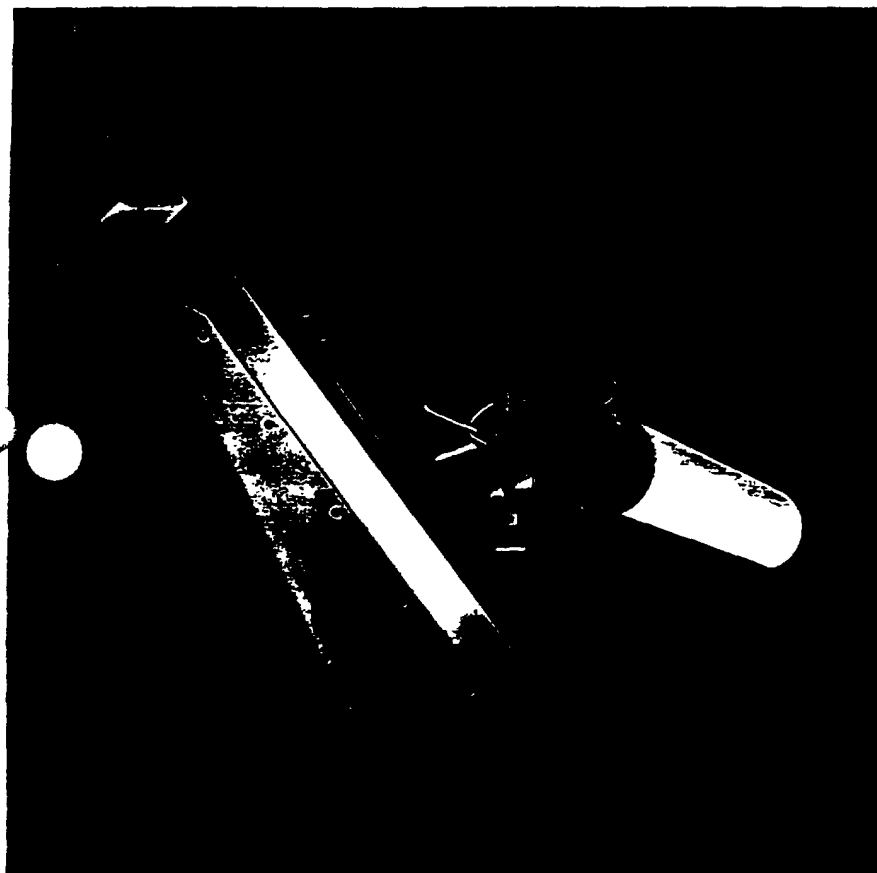
SUPER BLUE

**PBC PLATE/BLANKET  
AND PC PLATE COATER**

**BECAUSE TO MOST  
CUSTOMERS HIGH  
GLOSS MEANS  
HIGH QUALITY**

W000775

# ***It is now possible to dramatically increase gloss levels of printed sheets***



## **High-impact quality at low cost**

Among print buyers and consumers alike, "gloss" and "feel" are strongly associated with quality. Through our systems, printers can profitably achieve superb finish-quality and high-impact appearance at low cost.

Our Plate/Blanket Coater (PBC) maximizes your coating flexibility, giving you more precise control and broader capabilities than ever before. Offering full-coverage gloss or matte coatings as well as spot coatings of impeccable register and quality, the PBC smoothly and consistently applies uniform coatings of a wide viscosity range to any desired thickness.

- Precision spot-register applications
- Elimination of halos and hard/beaded edges
- Maximum coating application

The advent of coatable, water-based and UV-curable resins offers sheetfed color printers the unprecedented power to add high gloss levels, special effects and unusual surface treatments to their range of *in-house* capabilities. These coatings vastly exceed the gloss potential of varnish, while banishing forever the mess and quality problems spray powder causes in the pressroom.

## **Maximize press utilization while minimizing clean-up**

Because the PBC is easily retracted when coating is not necessary, the press unit used for coating can function as a full printing unit whenever you need it. Or, you can easily establish a dedicated coating line on an under-used press. What's more, with our coaters, you will eliminate forever the press downtime associated with blanket cutting, packing and image registration. No other coater can accomplish this.

Our coaters minimize wash-up and makeready, offering unrivaled time and cost savings. Ruggedly constructed, easy to operate and maintain, our patented coaters are on the leading edge of industry technology.

**Winner**



**InterTech Award**

- Makeready as fast as regular ink presses
- Elimination of slinging and misting problems
- Minimized wash-up times

## Improved quality means customer satisfaction

The PBC provides unparalleled quality control, enabling you to coat with as much control as you print. Coating material is applied as if it were another ink color, using your printing unit as it was designed to operate — to lay down a precise film membrane on the substrate.

What's more, the PBC achieves this high-impact appearance in a fraction of the time it takes to varnish or laminate — and without the mess and quality control problems associated with these now obsolete methods. So your customers receive the highest quality product, with an incredibly fast turnaround.

## Super Blue Plate/Blanket Coater

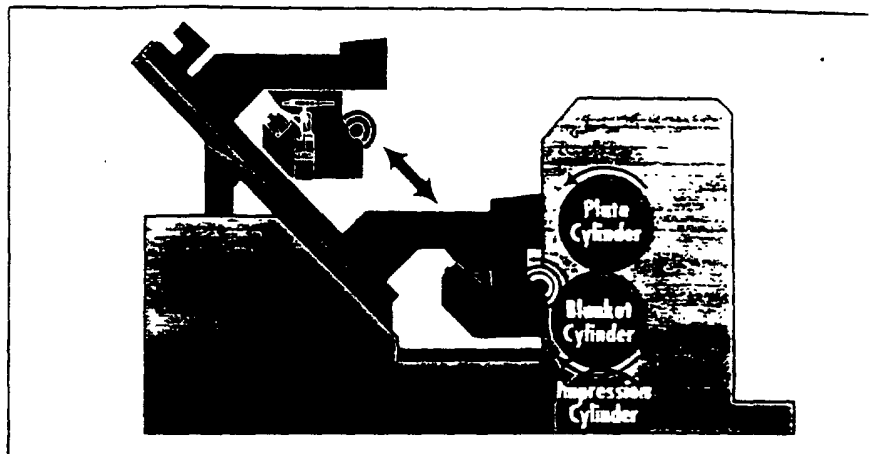
The PBC applies coating either at the blanket, for full coverage work, or at the plate, for precise register application of spot coating without hard edges. Or when coating is not necessary, it can be easily retracted to allow for regular printing uses. Unlike other coater designs that haphazardly squeeze coating material onto substrate under pressure — slinging coating material — the shear-coating PBC works neatly and precisely.

In the blanket mode when overall coverage is required, PBC's design provides for fast makeready and smooth application of the coating.

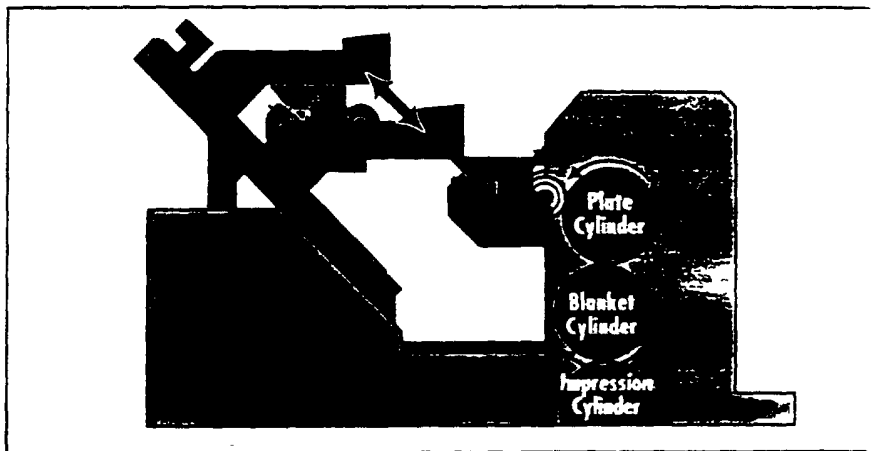
In the plate mode, the coater applies coating to a relief image on the plate cylinder to apply a uniform thickness of the coating film to the blanket cylinder. This coating "image" is then transferred by the blanket to the substrate, ensuring precise registration in all axes. Coating thickness and pressure between the plate, blanket and impression cylinders are all accurately and easily controlled.

Both the PBC and its Common Impression Cylinder (CIC) press counterpart, the Plate Coater (PC), improve operational profitability by eliminating the extensive "wash-up" downtime associated with coater dampeners — the only alternative with a CIC press. The typical two to three hour wash-up is reduced to less than a half hour, and the entire process is carried out independently from the press.

Being fully retractable, the coater does not interfere with the dampening system, ensuring fast changeover from print to coat and coat to print. This makes your entire operation more efficient and more profitable.



**PBC in Blanket Position**

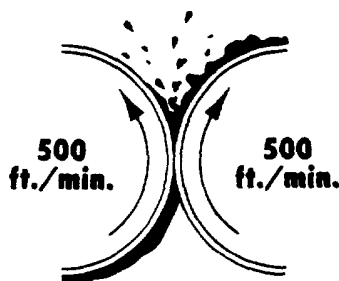


**PBC in Plate Position**

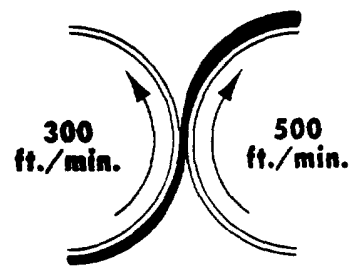
## Productivity, safety and long-term value

As a supplier of precision-engineered coating and drying systems for the graphic arts and packaging industries, Printing Research, Inc.'s high-performance systems improve your bottom-line profitability by adding value to your existing operations. With our systems, you improve the quality of your services by becoming a low-cost provider of the highest quality printing — all while maximizing the utilization of your existing presses. Our dependable, high-performance systems will increase your sales, profits and customer satisfaction levels.

See the difference yourself. Experience a demonstration of our PBC and PC and witness how coatings can be as easy to handle and precise to apply as the ink used in daily printing!



**NIP Application**



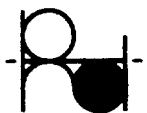
**SHEAR Application**



10954 Shady Trail Dallas, Texas 75220 U.S.A.

**Instant-drying inks and the elimination of spray powder have been the dream of every printer and printing buyer. The idea was put forward in the 1970's and 80's that it would be possible to print with conventional inks and apply a coating which would dry completely before placement on the delivery stack. This would place a dry skin over the ink, eliminating offsetting, sheet marking and the need for spray powder. The inks dry under the coating.**

**The advent of the 90's has made the dream a reality. It is now possible to print superior quality with conventional inks and coat the surface in order to deliver a dry, mark-free sheet at full production speeds. This is what the Super Blue products from Printing Research accomplish for you.**



**Printing Research, Inc.**

10954 Shady Trail Dallas, Texas 75220 U.S.A.

Telephone 214-353-9000

Telex 794028 Superblue dal

Fax 214-357-5847

Patented

W000778



Printing Research, Inc.

"Mark-less" Super Blue

January 25, 1995

Mr. Jesse Williamson  
Williamson Printing Corporation  
6700 Denton Drive  
Dallas TX 75235

214-904-2100 (Phone)

Dear Jesse,

It was a great pleasure speaking with you. We have enclosed product information and the following Super Blue proposal for installation on your:

**Heidelberg 102CD+L+Y+L, 6 color, 40 inch press with extension**

We propose:

- A Super Blue EZB Blanket Coater for installation at the blanket cylinder.

The benefits to you of installing the Super Blue Coater System are as follows:

- Automatic recirculation system
- Automated wash up procedure
- Consistent overall coating weight
- Sealed doctor blade assembly
- Totally independent of dampening system
- Elimination of lengthy wash up procedures

We look forward to serving your needs and thank you for your interest in our Super Blue range of products. For more information please contact us at 1-800-627-5537.

Sincerely yours,

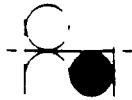
Steve Baker  
District Sales Manager

SB:nw

Enclosures: PI/PRO/DWG

cc: Bill Davis - Williamson Printing Corporation  
John Bird  
Steve Garner

W000779



Printing Research, Inc.  
"Mark-less" Super Blue

January 25, 1995

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Williamson Printing Corporation  
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We look forward to serving your needs and thank you for your interest in our Super Blue range of products. For more information please contact us at 1-800-627-5537.

Sincerely yours,

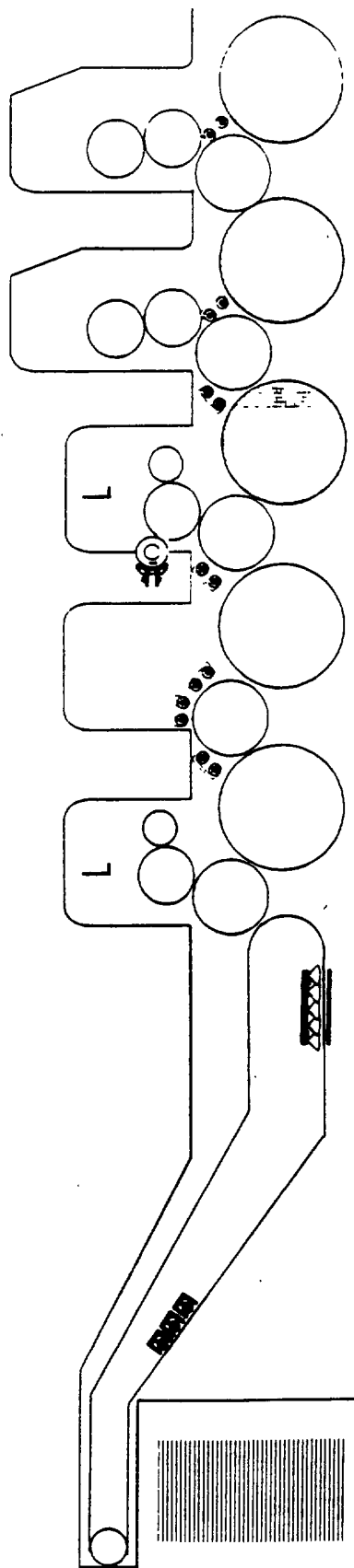
Steve Baker  
District Sales Manager

SB:nw

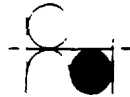
Enclosures: P/PRO/DWG

cc: Bill Davis - Williamson Printing Corporation  
John Bird  
Steve Garner

W000780



W000781



Printing Research, Inc.  
'Mark-less' Super Blue'

09525  
Williamson Printing Corporation  
January 25, 1995

## SUMMARY OF PROPOSAL

for  
HEIDELBERG 102CD+L+Y+L 6/CT/Y/CT / 40

<u>QTY</u>	<u>EQUIPMENT</u>	<u>PRICE</u>
1	SUPER BLUE EZB BLANKET COATER (EZB)	<u>\$ 54,634.</u>
	TOTAL EQUIPMENT (FOB Factory)	\$ 54,634.

FREIGHT PREPAID AND ADDED TO INVOICE, INSTALLATION AND  
TRAINING CHARGED AT \$575. PER DAY PER MAN PLUS AIRFARES

<u>QTY</u>	<u>RECOMMENDED SPARE PARTS</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
1	SPARE LASER ENGRAVED CERAMIC APPLICATOR ROLL ASSEMBLY	3,300.	\$ 3,300.
1	DOCTOR BLADE ASSEMBLY	3,315.	<u>3,315.</u>
	TOTAL RECOMMENDED SPARE PARTS		\$ 6,615.

'Proposal', 'Sales Terms and Conditions' on Reverse Side and 'Terms of Proposal' Accepted by:

NAME \_\_\_\_\_  
TITLE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
DATE \_\_\_\_\_

W000782



Printing Research, Inc.

'Mark-less' Super Blue'

EZB 09525

Williamson Printing Corporation

January 25, 1995

**PROPOSAL  
for  
SUPER BLUE EZB™ BLANKET COATER**

<u>PRESS</u>	<u>COLOR/SIZE</u>	<u>PRICE</u>
HEIDELBERG 102CD+L+Y+L	6/CT/Y/CT / 40	\$ 54,634.

**RECOMMENDED SPARE PARTS:**

One Spare Laser Engraved Anilox Roll Assembly  
One Spare Doctor Blade Assembly

**PURPOSE**

Application of aqueous or UV coatings to the blanket cylinder of a press unit for overall or pattern coating.

**APPLICATION**

Paper, Card, Carton Board, Corrugated, Plastic, Foil

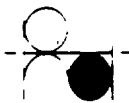
**CONFIGURATION**

Speed control of the Anilox applicator roll is maintained through throttling valves linked to a tacho-generator.

Start/Stop controls are interlocked with press controls to suit. The Anilox applicator roll is laser engraved ceramic. The doctor blade assembly coating chamber is a specially sealed unit with a positive pump drain. Automatic cleaning recirculation system.

Enclosures: Sales Terms and Conditions  
Terms of Proposal

W000783



Printing Research, Inc.

"Mark-less" Super Blue

095216  
Williamson Printing Company  
February 16, 1995

## SUMMARY OF PROPOSAL

for

**HEIDELBERG SPEEDMASTER CD 6+LYL / 40**

<u>QTY</u>	<u>EQUIPMENT</u>	<u>PRICE</u>
1	SUPER BLUE EZ INTERSTATION FLEXO PRINTER COATER (EZI)	<u>\$ 62,084.</u>
	<b>TOTAL EQUIPMENT (FOB Factory)</b>	<b>\$ 62,084.</b>

**\* DELIVERED AND INSTALLED**

<u>QTY</u>	<u>RECOMMENDED SPARE PARTS</u>	<u>PRICE</u>
1	SPARE LASER ENGRAVED CERAMIC APPLICATOR ROLL ASSEMBLY	<u>\$ 3,300.</u>
1	DOCTOR BLADE ASSEMBLY	<u>3,315.</u>
	<b>TOTAL RECOMMENDED SPARE PARTS</b>	<b>\$ 6,615.</b>

**'Proposal', 'Sales Terms and Conditions' on Reverse Side and 'Terms of Proposal' Accepted by:**

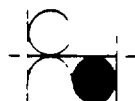
**NAME**

**TITLE**

**SIGNATURE**

**DATE**

W000784



Printing Research, Inc.

Mark-less' Super Blue'

EZI 095216

Williamson Printing Company

February 16, 1995

## PROPOSAL

for

### SUPER BLUE EZ™ INTERSTATION FLEXO PRINTER COATER

<u>PRESS</u>	<u>COLOR/SIZE</u>	<u>PRICE</u>
HEIDELBERG SPEEDMASTER CD	6+LYL / 40	\$ 62,084.

### RECOMMENDED SPARE PARTS:

One Spare Laser Engraved Anilox Roll Assembly  
One Spare Doctor Blade Assembly

### PURPOSE

Application of aqueous or UV coatings to the blanket cylinder of a press unit for overall or pattern coating.

### APPLICATION

Paper, Card, Carton Board, Corrugated, Plastic, Foil

### CONFIGURATION

Speed control of the Anilox applicator roll is maintained through throttling valves linked to a tacho-generator.

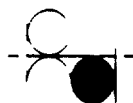
Start/Stop controls are interlocked with press controls to suit. The Anilox applicator roll is laser engraved ceramic. The doctor blade assembly coating chamber is a specially sealed unit with a positive pump drain. Automatic cleaning recirculation system.

Enclosures: Sales Terms and Conditions  
Terms of Proposal

*Deliver 10 weeks from order*

W000785





## Printing Research, Inc.

'Mark-less' Super Blue'

February 16, 1995

Mr. Jesse Williamson  
Williamson Printing Company  
6700 Denton Drive  
Dallas, Texas 75235

214-904-2100 (Phone)

Dear Jesse,

Further to our meeting of 2-11-95 we confirm the following:

1. We are producing an experimental EZ interstation flexo printer coater for installation on your Heidelberg Speedmaster CD 6 color + LYL, 40 inch press with a target to be installed and operational date of March 15, 1995. This unit for adaptation to the first coating tower of the LYL.
2. The experimental EZ coater will have a coating face length of 39.5 inches. Production models for the Coater position 'L' will have a coating face length of 40.55 inches and for interstation printing unit positions will have a coating face length of not less than 38 inches.
3. The experimental EZ coater will be supplied at no charge to Williamson Printing Company. We anticipate that this unit will be replaced by a production unit at a later date.
4. We have enclosed updated proposals for Super Blue EZ interstation flexo printer coaters for installation on your Heidelberg Speedmaster CD presses.

We look forward to serving your needs and thank you for your interest in our Super Blue range of products. For more information please contact us at 1-800-627-5537.

Sincerely yours,

John Bird  
Product Manager

JB:tj

cc: Bill Davis - Williamson Printing Company  
Howard DeMoore  
Steve Garner  
Ed Schaffler  
Dave Douglas  
Steve Baker

W000786



# Williamson Printing Corporation

6700 Denton Drive • Dallas, Texas 75235 • (214) 904-2100

February 24, 1995

John Byrd  
Printing Research Inc.  
Product Manager  
10954 Shady Trail  
Dallas, TX 75220

Dear John,

This letter is to clarify our understanding regarding damages to our Heidelberg 7 color press. The damages to our 7 color press occurred on Sunday, February 11th. The damages were caused by a bolt which passed between the impression cylinder and the plate/blanket cylinder, and also between the plate/blanket cylinder and the coating roller. It is our understanding that Printing Research assumes responsibility for repairs of these damages. To that end, Printing Research has given a purchase order to Heidelberg USA for a new coating roller which should be delivered to our plant the week of February 27th.

It is also our understanding that repairs to the impression cylinder and the plate/blanket cylinder will be done by Santa Fe Machine Repair of Los Angeles. Santa Fe Machine will use a nickel chrome alloy metal spray to repair the damages to the cylinders. The nickel chrome alloy should more closely match the chrome alloy finish on the said cylinders. If, for any reason, the repairs by Santa Fe Machine are not successful then it would be necessary to replace the two cylinders in the Tower Coater.

Because of the extreme busy condition in our sheetfed pressroom at this time, I am proposing that we make a temporary repair to these cylinders. We will make these repairs on Sunday, February 26th. This will get us by until we can schedule the press down for two consecutive days, a Saturday and a Sunday, sometime in the Spring.

Please let me know if this is your understanding of this situation. Thank you in advance for your cooperation. If you have any questions, please give me a call.

Sincerely,

*Bill Davis*

Bill Davis

cc: Jerry Williamson  
Jesse Williamson  
Bob Emrick  
Bob Boyer  
Jim Johnson

W000787



WILLIAMSON PRINTING CORPORATION  
6700 Denton Drive Dallas, Texas 75235 4497 214-904 2100 Fax 214 352 1342 WATS 800 843 5423

February 11, 1999

Mr. Howard DeMoore  
Printing Research  
10954 Shady Trail  
Dallas, TX 75220

Re: WPC Patent

Dear Howard:

Pursuant to our telephone conversation on this past Friday, February 5, regarding the above referenced, the purpose of this letter is to confirm my understanding on how we

It was my impression, that you would present us with a proposal on how you saw us moving forward on this situation. As a matter of fact, I believe you stated that you would send such a proposal early this week. As of this writing, I have not been contacted.

Since I have not heard from you, I became concerned that perhaps we had a misunderstanding. I thought that the "ball was in your court," and have been waiting for you. If my impression is wrong, please let me know, and let us decide how we should proceed.

I would appreciate your response at your earliest convenience, and I am looking forward to hearing from you.

Very truly yours,

Jerry Williamson  
Chairman of the Board

cc: Bill Davis  
Woody Dixon  
Jesse Williamson

W000788



HAND DELIVERED

BY: MR. STEVE GARNER

March 31, 1999

Mr. Jerry Williamson  
Williamson Printing Corporation  
6700 Denton Dr  
Dallas TX 76235-4497

Re: **Lithoflex™ Process and Apparatus**  
**U.S. Patent 5,630,363**  
**File No. 73310 70665**

Dear Jerry,

This is a follow-up to our telephone conversation of March 24, 1999 concerning our desire to resolve any issues between our companies arising from the existence of U.S. Patent 5,630,363. This '363 patent explicitly describes the Printing Research, Inc. apparatus even to the detail of the manual latch-up mechanism utilized on the original prototype designed by Ron Rendleman in December 1994 and from which we produced our DRUPA 95 brochure (see enclosed). I am sure we also all recall the numerous tests and evaluations initiated and completed as early as the fall, 1994 at PRI's facility to develop this in-line flexo/litho process, a process in which PRI's lithoflex printer/coater is essential. The '363 patent was subsequently obtained by Williamson Printing Company, Inc., without our knowledge and without naming us as co-inventors.

We feel most strongly that this is not correct and places the patent in jeopardy because U.S. Patent Law requires a patent to be issued in the name of the true inventors. A patent not so issued is invalid, unless inventorship can be corrected. We have been injured because we have not been able to sell our Lithoflex™ equipment to customers until the patent situation is cleared up. This is extremely unfair to Printing Research, Inc.. The patent in question discloses our own invention and we should be able to use our own invention to practice the invention disclosed in the '363 patent. We honestly feel that we are joint inventors and it is only right that we be named as such on the '363 patent.

214.353 9000  
USA 800.627 5537  
FAX 214.357.5847  
[www.superblue.net](http://www.superblue.net)

10954 Shady Trail  
Dallas, Texas 75220 USA

W000789

Mr. Jerry Williamson

March 31, 1999

Page 2.

The simplest way to handle this is for application to be made with your cooperation to add the missing inventors under 35 U.S.C. § 256.<sup>1</sup> Printing Research, Inc. will pay for the cost of the application to name the correct inventors. We will also compensate you for the prosecution of patent '363.

Since the process of correcting the inventorship may take a year or more and we are losing business right now, we ask in the meantime that you, on behalf of the present assignee, sign a copy of this letter in the space below, and promptly return it to me. Once the inventorship is properly corrected, each of our companies will be protected for their own uses under 35 U.S.C. § 262.

We believe this is a fair, simple and honest way to resolve this issue.

Very truly yours,

**PRINTING RESEARCH, INC.**

*Howard W. DeMoore*  
By: Howard W. DeMoore

Williamson Printing Corporation agrees with the above and believe it is entirely appropriate that Printing Research, Inc. inventors be named as joint inventors on U.S. Patent 5,630,363. Williamson Printing Corporation will cooperate fully with Printing Research, Inc. in achieving this goal.

**WILLIAMSON PRINTING CORPORATION**

By: Jerry Williamson, Chairman

Date

<sup>1</sup>Copies of the text of 35 U.S.C. § 256 and § 262 are enclosed for your information.

W000790

**Sec. 256. Correction of named inventor**

Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his part, the Commissioner may, on application of all the parties and assignees, with proof of the facts and such other requirements as may be imposed, issued a certificate correcting such error. The error of omitting inventors or naming persons who are not inventors shall not invalidate the patent in which such error occurred if it can be corrected as provided in this section. The court before which such matter is called in question may order correction of the patent on notice and hearing of all parties concerned and the Commissioner shall issue a certificate accordingly.

**Sec. 262. Joint owners**

In the absence of any agreement to the contrary, each of the joint owners of a patent may make, use, offer to sell, or sell the patented invention within the United States, or import the patented invention into the United States, without the consent of and without accounting to the other owners.

RECEIVED SEP 10 1999

W000791



WILLIAMSON PRINTING CORPORATION  
6700 Denton Drive Dallas, Texas 75235 4497 214 904 2100 Fax 214 352 1942 TWATS 800 543 5423

April 7, 1999

Mr. Howard DeMoore  
Printing Research, Inc.  
10954 Shady Trail  
Dallas, TX 75220

Re: Lithoflex™ Process and Apparatus  
U.S. Patent 5,630,363  
File No. 73310-70665

W000792

Dear Howard:

Thank you for your letter of March 31, 1999, regarding the above referenced matter.

Following our previous telephone conversations, including our latest on March 24, 1999, I discussed this matter, including your stated position, with my brother, Jesse, Bill Davis and others here at Williamson Printing Corporation (WPC), as well as our attorneys, and we are under the belief that we have perfected a good and valid patent, which we intend to protect, at all costs.

The purpose of our filing for, and obtaining, the patent was to protect our valuable invention, which we developed. Just as you and Printing Research, Inc. (PRI) protect your valuable intellectual property rights, we at WPC have a policy and history of protecting our valuable intellectual property rights.

We are quite surprised by your latest position that somehow you and/or others at PRI should be named as inventors on the patent. It is unusual that you would now, for the first time, make such an allegation after so many prior discussions regarding PRI taking a license under the patent. Apparently, your allegation was made only after PRI was dissatisfied with WPC's proposed royalty rate to license the patent.

In any event, based on the information provided to me and discussions with our patent attorney, we believe Bill and Jesse are the correct, and are the only inventors because they had a complete conception of the claimed invention before PRI was asked to design the equipment, to which you refer in your letter, for use with our process. If you have any additional information concerning this matter, please forward it to me as quickly as possible for our review and discussion.

I am sorry to hear that you feel you have been injured by not being able to sell your Lithoflex™ equipment. I would therefore appreciate your sharing with me specifically with whom, and when, you experienced these rejections, and perhaps we can reach a satisfactory solution. It is certainly my understanding that you can sell your equipment for use with presses and printing processes that are not covered by our patent.

page 1 of 2

April 7, 1999

page 2 of 2

Re: Lithoflex™ Process and Apparatus

U.S. Patent 5,630,363

File No. 73310-70665

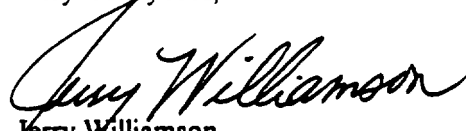
It has not, and is not, our intent to cause you or PRI any injury or ill-will, but you should be advised that we are entertaining some rather exciting opportunities, of which we must take advantage.

We would certainly like to settle any misunderstanding amicably, and we are willing to structure a reasonable business arrangement that will be mutually beneficial to both PRI and WPC.

Again, thank you, and I look forward to hearing from you at your earliest convenience. Please let us try to resolve this amicably and expeditiously.

In the meantime, if you have any questions, please let me know.

Very truly yours,

  
Jerry Williamson  
Chairman of the Board

cc: Bill Davis                      Steve Garner  
     Woody Dixon  
     Jesse Williamson  
     John Pinkerton, Esq.

W000793





HAND DELIVERED

BY: RON RENDLEMAN

April 13, 1999

Mr. Jerry Williamson  
Williamson Printing Corporation  
6700 Denton Dr  
Dallas TX 76235-4497

**Re: Lithoflex™ Process and Apparatus**  
**U.S. Patent 5,630,363**  
**File No. 73310 70665**

Dear Jerry,

We received your letter of April 9, 1999. To our amazement, you appear to be saying Jesse and Bill Davis are the only and correct inventors of U.S. Patent 5,630,363 and that you or someone at Williamson Printing Corporation (WPC) asked Printing Research, Inc. (PRI) to design the equipment to carry out your process.

Whether you have a "good and valid patent", as you say, depends upon whether the first and true inventors are named on the patent or it can be corrected to name them. It is in your interest as well as ours to have the right inventors named.

Apparently you have been provided with information upon which you conclude Bill and Jesse are the correct and only inventors despite our strong protest to the contrary. We would like you to share this information with us. Without some documented evidence to understand how you have come to this conclusion, we will not be able to accept or settle the matter in a mutually beneficial way, though we would like to.

If PRI was asked to design the equipment as you say, we would like to know who did the asking, who was asked, and date. We would suppose there must be letters, plans and drawings that exist to show what the inventors contemplated at the time of the "complete conception". If they exist, let's see them.

214.353.9000  
USA 800.627.5537  
FAX 214.357.5847  
www.superblue.net

10954 Shady Trail  
Dallas, Texas 75220 USA

W000794

Mr. Jerry Williamson  
April 13, 1999  
Page 2.

If you can provide us documentation that demonstrates your position, we will of course be responsive, although we are presently of the view that the facts are as we previously explained.

Please let us hear from you at your earliest convenience.

Very truly yours,

PRINTING RESEARCH, INC.

*Howard DeMoore*

By: Howard W. DeMoore

TELETYPE

W000795



WILLIAMSON PRINTING CORPORATION

6700 Denton Drive Dallas, Texas 75235-4497 214-904-2100 Fax: 214-352-1842 TWATS: 800-843-5423

April 23, 1999

Mr. Howard DeMoore  
Printing Research, Inc.  
10954 Shady Trail  
Dallas, TX 75220

Re: Lithoflex™ Process and Apparatus  
U.S. Patent 5,630,363  
File No. 73310-70665

Dear Howard:

Thank you for your letter of April 13, 1999, and please accept my apologies for my belated response.

Since it is apparent that we are not going to resolve our differences on this matter through our letter writing, may I suggest that we set up a meeting of all the appropriate parties, including our patent attorneys, if you so desire, at a time and place at everyone's earliest convenience.

Perhaps if we get everyone together in such a meeting, we can arrive at a mutually satisfactory resolution.

If you have any better suggestions, I welcome your thoughts.

In the meantime, I will be asking our folks to check their schedules to see when we could all be available for such a meeting.

I look forward to hearing from you at your earliest convenience.

Very truly yours,

  
Jerry Williamson  
Chairman of the Board

cc: Bill Davis Steve Garner  
Woody Dixon  
Jesse Williamson  
John Pinkerton, Esq.

W000796



**HAND DELIVERED**  
**BY: RON RENDLEMAN**

April 27, 1999

Mr. Jerry Williamson  
Williamson Printing Corporation  
6700 Denton Dr  
Dallas TX 76235-4497

Re: **Lithoflex™ Process and Apparatus**  
**U.S. Patent 5,630,363**  
**File No. 73310 70665**

Dear Jerry,

I am very sorry to hear about the passing of your Mother. She was certainly was known as a grand lady. My deepest sympathies are with you, Jesse and your families. May the flowers from PRI serve as a token of our sympathy.

Your response of April 23, 1999 to our letter of April 13, 1999 does not address our request for proof of inventorship. Printing Research, Inc. (PRI) is being damaged by the existence of a patent, about which we first learned in December 1998 from a potential customer for our Lithoflex™ equipment. In the meantime, we continue to lose sales (and money) because of the necessary halting of our sales efforts.

Williamson Printing Corporation (WPC) flatly claims it developed U.S. Patent 5,630,363, and that its employees are the only inventors of the subject matter. According to your letter, PRI's only involvement was to design the equipment. We certainly question the matter of inventorship and need your proofs to evaluate your claim.

If you are in possession of written documentation that will demonstrate that you are correct in your position, then let's see that information and let's see it now! Since it is your contention that WPC personnel "asked" PRI to build the equipment that WPC allegedly conceived, we need to know by whom and when. Additionally, we would like to see copies of your drawings and specifications as well.

214.353.9000  
USA 800.627.5537  
FAX 214.357.5847  
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10954 Shady Trail  
Dallas, Texas 75220 USA

W000797

**Figure 1.** The effect of the concentration of the polymer solution on the surface free energy of the polymer film. The surface free energy was measured by the contact angle method. The concentration of the polymer solution was varied from 0.1 to 1.0 g/dL. The surface free energy of the polymer film decreased as the concentration of the polymer solution increased.

Very truly yours,

Howard DeMoore

W000798



WILLIAMSON PRINTING CORPORATION

6700 Denton Drive Dallas, Texas 75225-4497 214 904 2100 Fax 214 352 1842 TWATS 800 443 5423

May 5, 1999

Mr. Howard DeMoore  
Printing Research, Inc.  
10954 Shady Trail  
Dallas, TX 75220

Re: Lithoflex™ Process and Apparatus  
U S. Patent 5,630,363  
File No 73310-70665

W000799

Dear Howard:

Thank you for your letter of April 27, 1999. We appreciate your kind remarks, flowers and expression of sympathy.

Frankly, I am somewhat surprised with the balance of your letter. It was completely unresponsive to my letter to you of April 23, to which you referred.

You state in your letter that I did not address your "request for proof of inventorship." This is one of the topics I thought we would discuss at the meeting I suggested. In any event, as I have stated several times, we believe that Jesse and Bill are the correct, and only inventors, of the invention covered by our patent. Furthermore, it is my understanding that, under the U.S. patent law, there is a presumption that our patent is valid and that inventorship is correct.

Under these circumstances, your demand for us to provide documentation to you that our position is correct is completely unwarranted. Howard, the shoe is on the other foot. As stated in my previous letter, if you have any documentation indicating that you, or anyone else at Printing Research, should be designated as an inventor of the printing apparatus described in claims 1-28 of our patent, or the process described in claims 29-41 of our patent, please provide that to me as soon as possible for our review and evaluation. As I said, we are willing to consider any additional information that you can provide to us.

You also mentioned in your letter that "Printing Research, Inc. (PRI) is being damaged" by the existence of our patent. I hope that you do not mean to imply by your statement that we are causing your company damage. I have addressed this claim earlier, and, as you are well aware, we have offered a license to PRI under our patent. Furthermore, it is my understanding that you are perfectly free to sell your product for use with printing presses and printing processes that are not covered by our patent.

Page 1 of 2

May 5, 1999

Page 2 of 2

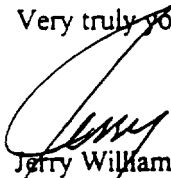
Re Lithoflex™ Process and Apparatus

U S. Patent 5,630,363

File No 73310-70665

If you wish to discuss this further, please give me a call. I look forward to hearing from you.

Very truly yours,



Jerry Williamson  
Chairman of the Board

JBW db

cc Bill Davis                      Steve Garner  
Woody Dixon  
Jesse Williamson  
John Pinkerton, Esq.

TOP SECRET

W000800

092115796-054901



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of: §  
**BILL L. DAVIS and JESSE S. WILLIAMSON** §  
§  
For Reissue of U. S. Patent 5,630,363 § Group Art Unit: 2854  
Issued May 20, 1997 §  
Serial No. 08/515,097 §  
§  
Filing Date: May 20, 1999 § Examiner: S. Funk  
§ J. Hilten  
§  
Serial No.: 09/315,796 §  
§  
For: **COMBINED LITHOGRAPHIC/** §  
**FLEXOGRAPHIC PRINTING** §  
**APPARATUS AND PROCESS** §

SUPPLEMENTAL JOINT REISSUE DECLARATION

TO: The Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

SIR:

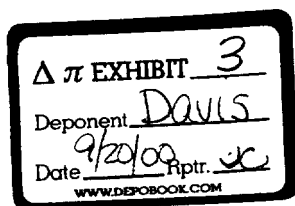
Petitioners, (1) Bill L. Davis, residing at 1126 Tipton Road, Irving, Texas 75060; and (2) Jesse S. Williamson, residing at 5738 Caruth, Dallas, Texas 75209, and being both United States citizens, declare that:

1. We verily believe ourselves to be the original, first and joint inventors of the invention described and claimed, and of the discovery described, in U.S. Patent 5,630,363 and in the specification thereof, and for which invention and discovery we solicit a reissue patent. We affirm the statements made in our original Reissue Declaration filed May 20, 1999, for which we have further amended the specification and claims.

2. Petitioners verily believe that, because of what might be deemed errors in the specification and claims of U.S. Patent 5,630,363, that said '363 patent might be inoperative or invalid (a) by reason of Petitioners claiming in some instances more, and in some instances less.

REISSUE DECLARATION

Page 1



W000840

REISSUE DECLARATION

than they had a right to claim in the '363 patent, or (b) for the reason that the '363 claims might be interpreted as failing to particularly point out and distinctly claim the subject matter which the undersigned Petitioners regard as their invention. There also exists certain errors in the specification including, but not limited to, minor stenographical errors. Petitioners declare that all of these errors sought to be corrected arose through their unfamiliarity with U. S. patent practice, and/or through inadvertence, and were all without any deceptive intention. Specifically Petitioners declare that all errors being corrected in this reissue application up to the filing of this oath and their original oath, and the amendment submitted herewith on March 9, 2000, respectively, all arose without any deceptive intent. Petitioners seek to correct these errors through amendments to their specification and claims, and endorse the amendments set forth in Exhibit "A" hereto.

3. Petitioners are informed that under 37 C.F.R. § 1.56(a) that a duty of candor and good faith toward the United States Patent and Trademark Office ("Office") rests on the inventors, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation of prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. Reissue petitioners are now further aware that all such individuals have a duty to disclose to the Office information that each is aware of which is material to the examination of the application and that such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. Reissue petitioners further understand that the duty is commensurate with a degree of involvement in the preparation or prosecution of the application. Reissue petitioners are now informed that the duty of disclosure may extend to their own activities prior to the filing date of the application leading to the '363 patent.

4. Petitioners further declare that their '363 patent specification teaches a combined lithographic/flexographic process having a plurality of successive printing stations for depositing

REISSUE DECLARATION

a series of thin, controlled layers of ink or coatings, including, but not limited to, printing color images, on one or both sides of a substrate in a continuous in-line process. In one embodiment of the method of their invention, one of the stations prints a first color image using the flexographic process, and at least one of the successive printing stations prints a second color image over the first color image using an offset lithographic process in the continuous in-line process. Consistent with the teachings in their specification at col. 2, lines 49-58, reissue applicants teach specifically that in offset lithography, "many sheet fed presses can perfect (print both sides of the paper) in one pass through the press."

5. Petitioners have noticed several potential errors are found in the '363 patent. First, Petitioners further declare that in one embodiment of their invention, the reverse side of the substrate may be printed subsequently by lithography and subsequently coated. Petitioners believed as of both the filing of their application and the issuance of the '363 patent that the independent and dependent claims clearly covered such an embodiment. Petitioners believed that to one of ordinary skill in the printing art, the language of printing "over" the substrate (see col. 4, lines 29 and 43), as well as other uses in the specification of the term "over" (e.g., col. 4, line 38 and col. 6, line 3), clearly taught one of ordinary skill in the printing art that the reverse side of the substrate may also be printed and coated in the continuous in-line lithographic/flexographic process described in the '363 patent. Petitioners did not appreciate, both as of the time of the filing of this application and at the time the '363 claims as issued were presented and allowed, that their method and apparatus having the term "over" might be interpreted (actually misinterpreted) so as not to include the alternative of the reverse side of the substrate being printed by offset lithography and coated. Such error, if it occurred, was inadvertent and without deceptive intent. Petitioners did not contemplate that absent dependent claims, such as claims 42-43 newly presented, or claims such as the new claims in the alternative tracking specifically the language of col. 2, lines 54-55 with the limitation of printing on the reverse side of the substrate, such a misunderstanding could occur. Accordingly, Petitioners now seek by way of this application for reissue to add claims 42-84 to eliminate any ambiguity in the

106733-364420

coverage of those claims so that the claims clearly provide that the continuous in-line lithographic/flexographic process of the '363 patent can include perfection, e.g., on a perfector press.

6. Second, Petitioners further notice the errors in independent method claim 29, containing the term "on top of" in the last step (col. 11, line 54) and in related dependent claim 34, containing the broader term "over" (col. 12, line 6). Hence the dependent claim is broader than the claim it depends on. Such errors render claim 29 partially inoperable, and claim 34 potentially invalid. Such errors were inadvertent, and occurred without deceptive intent, for which reissue applications seek correction.

7. Third, Petitioners are concerned that certain of their claims, e.g., claim 1, may be misunderstood as limiting the interpretation of the term "image" to ink, and worse yet, a color ink. Consistent with the specification, e.g., col. 1, lines 18-25; col. 4, lines 12-13; col. 6, lines 46-47, newly presented claims 44-84 require that surfaces at each station be deposited with layers of ink or coating materials so that any ambiguity is avoided.

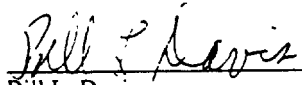
8. Stenographic errors occurred in the original patent in the spelling of "Pantone" under "Other Publications" listed as prior art, and of the spelling of "flexographic" at col. 1, line 20. The short-hand abbreviation of "flexographic" as "flexo" at column 3, line 59 should be corrected. Clarification is made of col. 4, lines 46-51 of the specification consistent with the remainder of the specification. All errors occurred inadvertently and without deceptive intent.


9. With respect to each of claims 1-41, as further amended, and new claims 42-84, we declare that we believe we are the original first and joint inventors of the subject matter therein claimed and for which a reissue patent is sought on the invention set forth in the attached specification entitled COMBINED LITHOGRAPHIC/FLEXOGRAPHIC PRINTING APPARATUS AND PROCESS, a copy of which amended specification is attached hereto as Exhibit "A"; we hereto state that we have reviewed and understand the contents of this amended specification, including the amended and new claims. As indicated above, we acknowledge our duty to disclose any and all information which is material to examination of this reissue patent

REISSUE DECLARATION

application in accordance with 37 C.F.R. §1.56(a). We further declare that we do not know and do not believe that said invention was ever known or ever used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or patented or described in any printed publication more than one year before the filing date of the first application leading to the '363 patent; or in public use or on sale in the United States of America more than one year prior to the date of the first application leading to the '363 patent; further, that said invention has not been patented or made the subject to any inventor's certificate issued before the filing date of the first application leading to the '363 patent in any country foreign to the United States of America on any application filed by me or our legal representative or assigns more than twelve (12) months prior to the filing date of said first patent application in the United States of America, and has not been abandoned.

The undersigned Petitioners declare further that all statements made herein of Petitioners' own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any reissue patent issuing thereon.

  
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Date: March 9, 2000

## EXHIBIT A

8

Reissue of U. S. Patent No. 5,630,363

### CLAIMS

**Note: Bracketed material in the following claims has been deleted from U. S. Patent 5,630,363 as issued; underlined materials, including new claims 42-87 has been added.**

1. Apparatus for a combined lithographic/flexographic printing process comprising:
  - a substrate;
  - a plurality of successive printing stations for printing color images on the substrate in a continuous in-line process;
  - one of said stations comprising a flexographic printing station for printing a liquid vehicle image on said substrate with a slurry containing an encapsulated essence using the flexographic process;
  - at least one of said successive printing stations being a lithographic printing station; and
  - an overcoating applied over the liquid vehicle image on the printed substrate at at least one of said successive lithographic printing stations using the lithographic process in said continuous in-line process.
2. Apparatus as in claim 1 wherein said overcoating is an aqueous overcoating.
3. Apparatus as in claim 1 wherein said overcoating is an ultraviolet ink overcoating.

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4. Apparatus as in claim 1 wherein:

said substrate is a paper sheet; and

said apparatus includes a sheet feeder.

5. Apparatus as in claim 1 wherein:

said substrate is a web; and

said apparatus includes a web feeder.

6. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station printing an aqueous-based vehicle image using the flexographic process to form a metallic coating;

a suspended metallic material being included in said aqueous-based vehicle image; and

at least one of the successive printing stations comprising an offset lithographic printing station printing a color image over the aqueous-based vehicle image using the offset lithographic process in said continuous in-line process.

7. Apparatus as in claim 6 wherein said suspended material includes uniform-sized metal particles to form said metallic coating.

8. Apparatus as in claim 6 wherein said suspended material includes nonuniform-sized metal particles to form said metallic coating.

9. Apparatus as in claim 6 further including: said flexographic printing station including a plate cylinder having a flexographic plate thereon, a blanket cylinder, and an impression cylinder;

a flexographic plate image transferred from said plate cylinder to said blanket cylinder, said image being formed of said metallic coating, said blanket cylinder transferring said metallic coating to said impression cylinder for printing said flexographic plate image on said substrate; and

an anilox roller associated with said flexographic plate for supplying said aqueous-based vehicle containing said suspended metallic material to said flexographic plate.

10. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a first color image using the flexographic process; and

at least one of the successive printing stations comprising an offset lithographic printing station for printing a second color image over the first color image using the offset lithographic process in said continuous in-line process.

11. Apparatus as in claim 10 further including:

said flexographic printing station including a plate cylinder, a blanket cylinder, and an impression cylinder;

a flexographic plate on said plate cylinder;

an anilox roller associated with said flexographic plate for supplying a first color to said flexographic plate to form said first color image; and

said blanket cylinder receiving said first color image from said plate cylinder and transferring said first color image to said impression cylinder for printing on said substrate.



12. (Amended) Apparatus for creating a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for printing color images on the substrate in a continuous in-line process;

at least two successive ones of said printing stations being flexography stations and comprising:

(1) a supply of liquid coating;

(2) a plate cylinder associated with a blanket cylinder, said plate cylinder having a flexographic plate thereon;

(3) an anilox roller associated with said liquid supply coating and said plate cylinder for delivering said liquid coating to said flexographic plate to form an image for transfer to said blanket cylinder;

(4) an impression cylinder holding said substrate for receiving said liquid coating image transferred from said blanket cylinder and printing said image on said substrate[.];

said at least two flexography stations printing the same liquid coating image in sequence and in superimposed relationship; and

at least one offset lithographic printing station [for] receiving said substrate and printing over said liquid coating image.

13. Apparatus as in claim 12 wherein said liquid coating image printed on said substrate is a white color ink.

14. Apparatus as in claim 12 further including an air dryer associated with each of said impression cylinders on said flexography stations, said air dryer having sufficient air velocity for drying said liquid coating before the substrate is transferred to the successive printing station in said continuous in-line process.

15. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing color images on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

a blanket cylinder at at least a first one of said flexographic printing stations;

flexographic ink-providing means at said at least first one of said flexographic printing stations for applying a flexographic ink to said blanket cylinder to form an image;

a substrate for receiving said flexographic ink image transferred from said blanket cylinder; and

at least one subsequent lithographic printing station in said in-line process for receiving said image printed substrate and printing an additional colored ink image on said substrate on top of said flexographic ink image using offset lithography.

16. Apparatus as in claim 15 further comprising:

a plate cylinder at said at least first one of said flexographic stations;

a flexographic plate on said plate cylinder for receiving and transferring said flexographic ink to said blanket cylinder; and

said flexographic ink-providing means including a flexographic ink supply and an anilox roller associated with said flexographic ink supply for transferring said flexographic ink to said flexographic plate.

17. Apparatus for a combined lithographic/flexographic printing process for printing a multicolored image comprising:

a plurality of successive printing stations for printing color on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

at least one of said flexographic printing stations having:

(1) a plate cylinder and a blanket cylinder, said plate cylinder including a flexographic plate having an image thereon for transferring a flexographic color ink image to said blanket cylinder;

(2) an etched anilox roller for applying a flexographic color ink to said flexographic plate on said plate cylinder;

(3) an impression cylinder in ink-transfer relationship with said blanket cylinder for transferring said flexographic color ink image from said blanket cylinder to said substrate; and

at least one of said succeeding printing stations being a lithographic printing station using offset lithography for printing additional colored ink images on top of said flexographic ink image.

18. Apparatus as in claim 17 wherein said additional colored ink images are formed with lithographic inks.

19. (Amended) Apparatus as in claim 17 wherein at least one of the said colored ink images [are] is formed with a waterless [inks] ink.

20. (Amended) Apparatus as in claim 17 further including an air dryer adjacent to said impression cylinder for drying the colored flexographic ink image transferred to said substrate before said additional colored ink images are printed thereon.

21. Apparatus as in claim 17 further including halftone printing plates for printing said colored ink images.

22. (Amended) Apparatus as in claim 17 wherein said colored flexographic ink image and said lithographic colored ink images are printed as solid colors and/or with halftone printing plates in sequence and in registry in said successive printing stations to produce said multicolored image on said substrate.

23. Apparatus as in claim 17 wherein said printing apparatus includes a sheet-fed press.

24. Apparatus as in claim 17 wherein at least one of said flexographic printing stations prints said flexographic ink image with liquid vehicle slurry containing an encapsulated essence.

25. Apparatus as in claim 17 wherein at least one of said printing stations prints said flexographic ink image with a water-based liquid vehicle containing suspended particles.

26. Apparatus as in claim 25 wherein said suspended particles are uniform in size.

27. Apparatus as in claim 25 wherein said suspended particles are nonuniform in size.

28. Apparatus as in claim 25 wherein said suspended particles are metallic particles.

29. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a plurality of successive lithographic/flexographic printing stations for printing colored ink images on a substrate;

printing a flexographic ink image on said substrate at at least one of said flexographic stations;

transferring said printed substrate to at least one subsequent printing station in said continuous in-line process; and

printing colored ink images [on top of] over said flexographic ink image at at least one of said subsequent lithographic printing stations with an offset lithographic process.

30. A method as in claim 29 further comprising the step of drying said flexographic ink image on said substrate with an air dryer prior to printing said colored ink images thereon.

31. A method as in claim 29 further including the step of printing a coating on top of said colored ink images at one of said plurality of subsequent printing stations.

32. A method as in claim 29 wherein said colored inks forming said colored ink images are waterless.

33. A method as in claim 29 wherein said colored inks forming said colored ink images are in a solvent-based liquid vehicle.

34. (Amended) A method as in claim 29 further including the steps of:

printing a slurry on said substrate at any of said printing stations in said continuous in-line process;

using an encapsulated essence in said slurry; and

printing an overcoating [over] on top of said slurry at a subsequent printing station in said in-line process to protect said essence.

35. A method as in claim 34 further including the step of printing an aqueous-based coating over said slurry.

36. A method as in claim 34 further including the step of printing an ultraviolet coating over said slurry.

37. A method of combining offset lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a substrate;

applying a flexographic ink to a blanket cylinder in a pattern with a coating head at a first flexographic printing station;

transferring said pattern of flexographic ink from said blanket cylinder to the substrate; and

printing a waterless ink pattern over said flexographic ink pattern on said substrate at at least one subsequent offset lithographic printing station in said continuous in-line process.

38. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

printing an aqueous-based vehicle image having suspended particles therein on a substrate at a first flexographic printing station;

transferring said image printed substrate to at least one additional printing station in said continuous in-line process; and

printing additional colored ink images on said printed substrate over said aqueous-based vehicle image in an offset lithographic process at said at least one additional printing station in said in-line process.

39. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

(1) providing a plurality of successive printing stations for printing liquid vehicle images on a substrate in said in-line continuous process;

(2) utilizing an anilox roller to transfer a liquid ink as said liquid vehicle to a flexographic plate image at at least one of said printing stations;

(3) printing said liquid ink from said flexographic plate image to a substrate;

(4) transferring said printed substrate with said liquid ink image to a subsequent printing station in said in-line printing process;

(5) repeating steps (2)-(4) at subsequent printing stations in said in-line process to achieve a desired opacity ink image on said substrate; and

(6) printing an ink pattern over said flexographic ink image using an offset lithographic process.

40. A method as in claim 39 further including the step of additionally printing colored ink images over said liquid ink image on said substrate at subsequent ones of said printing stations in said in-line process.

41. A method as in claim 40 wherein said liquid ink is an opaque white color.

42. The apparatus of any of claims 1, 6, 10, 12, 15 and 17, wherein the substrate is printed on both sides in one pass during the continuous in-line process.

43. The method of any of claims 29, 37, 38 or 39 wherein the substrate is printed on both sides in one pass during the continuous in-line process.

44. Apparatus for a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for depositing a series of images on one side of a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a liquid vehicle image on said substrate using a flexographic process; and

at least one of said successive printing stations being a lithographic printing station;

whereby said substrate is printed on top of or on the opposite side of that previously printed at at least one of said successive lithographic printing stations using the lithographic process in said continuous in-line process.

45. Apparatus as in claim 44 wherein at least one of said images at the flexographic station is a coating material.

46. Apparatus as in claim 44 wherein at least one of said images at one of the lithographic stations is an ink.

47. Apparatus as in claim 44 wherein:

said substrate is a paper sheet; and

said apparatus includes a sheet feeder.

48. Apparatus as in claim 44 wherein:

said substrate is a web; and

said apparatus includes a web feeder.

49. An apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for depositing a series of images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station printing an aqueous-based vehicle on one side of the substrate using the flexographic process to form a metallic coating image;



a suspended metallic material being included in said aqueous-based vehicle; and

at least one of the successive printing stations comprising an offset lithographic printing station printing a color image on top of the aqueous-based vehicle or on the opposite side to that previously printed using the offset lithographic process in said continuous in-line process.

50. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for depositing a series of images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a first color image using the flexographic process; and

at least one of the other successive printing stations comprising an offset lithographic printing station for printing a second color image on the reverse side of the substrate of the first color image using the offset lithographic process in said continuous in-line process.

51. Apparatus as in claim 49 wherein said suspended material includes nonuniform-sized metal particles to form said metallic coating.

52. Apparatus as in claim 49 further including: said flexographic printing station including a plate cylinder having a flexographic plate thereon, a blanket cylinder, and an impression cylinder;

a flexographic plate image transferred from said plate cylinder to said blanket cylinder, said image being formed of said metallic coating, said blanket cylinder transferring said metallic coating to said impression cylinder for printing said flexographic plate image on said substrate; and

an anilox roller associated with said flexographic plate for supplying said aqueous-based vehicle containing said suspended metallic material to said flexographic plate.

53. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for depositing a series of images on a substrate in a continuous in-line process;

one of said stations comprising a flexographic printing station for printing a first color image using the flexographic process; and

at least one of the other successive printing stations comprising an offset lithographic printing station for printing a second color image on the reverse side of the substrate of the first color image using the offset lithographic process in said continuous in-line process.

54. Apparatus as in claim 53 further including:

said flexographic printing station including a plate cylinder, a blanket cylinder, and an impression cylinder;

a flexographic plate on said plate cylinder;

an anilox roller associated with said flexographic plate for supplying a first color to said flexographic plate to form said first color image; and

said blanket cylinder receiving said first color image from said plate cylinder and transferring said first color image to said impression cylinder for printing on said substrate.

55. Apparatus for creating a combined lithographic/flexographic printing process comprising:

a substrate;

a plurality of successive printing stations for depositing a series of images on a substrate in a continuous in-line process;

at least one of said printing stations being flexographic stations and comprising:

- (1) a supply of liquid coating;
- (2) a plate cylinder associated with a blanket cylinder, said plate cylinder having a flexographic plate thereon;
- (3) an anilox roller associated with said liquid supply coating and said plate cylinder for delivering said liquid coating to said flexographic plate to form an image for transfer to said blanket cylinder;
- (4) an impression cylinder for receiving said liquid coating image transferred from said blanket cylinder and printing said image on one side of said substrate; and
- at least one offset lithographic printing station for receiving said substrate and printing on top of or on the opposite side to that previously printed.

56. Apparatus as in claim 55 wherein said liquid coating image printed on said substrate is a white color ink.

57. Apparatus as in claim 56 further including an air dryer associated with each impression cylinder on each flexographic station, said air dryer having sufficient air velocity for drying said liquid coating before the substrate is transferred to the successive printing station in said continuous in-line process.

58. Apparatus for a combined lithographic/flexographic printing process comprising:

a plurality of successive printing stations for depositing a series of images on a substrate in a continuous in-line process, said printing stations including both lithographic and at least two flexographic printing stations;

a blanket cylinder at at least a first one of said flexographic printing stations;

flexographic ink-providing means at the other of said flexographic printing stations for applying a flexographic ink to said blanket cylinder to form an image on one side of a substrate;

a substrate for receiving said flexographic ink image transferred from said blanket cylinder; and

at least one subsequent lithographic printing station in said in-line process for receiving said image printed substrate and printing an additional colored ink image on said substrate on top of said flexographic ink image or the opposite side to that previously printed using offset lithography.

59. Apparatus as in claim 58 further comprising:

a plate cylinder at said at least first one of said flexographic stations;

a flexographic plate on said plate cylinder for receiving and transferring said flexographic ink to said blanket cylinder; and

said flexographic ink-providing means including a flexographic ink supply and an anilox roller associated with said flexographic ink supply for transferring said flexographic ink to said flexographic plate.

60. Apparatus for a combined lithographic/flexographic printing process for printing a multicolored image comprising:

a plurality of successive printing stations for depositing a series of images on a substrate in a continuous in-line process, said printing stations including both lithographic and flexographic printing stations;

at least one of said flexographic printing stations having:

(1) a plate cylinder and a blanket cylinder, said plate cylinder including a flexographic plate having an image thereon for transferring a flexographic color ink image to said blanket cylinder;

(2) an etched anilox roller for applying a flexographic color ink to said flexographic plate on said plate cylinder;

(3) an impression cylinder in ink-transfer relationship with said blanket cylinder for transferring said flexographic color ink image from said blanket cylinder to one side of said substrate; and

at least one of said succeeding printing stations being a lithographic printing station using offset lithography for printing additional colored ink images on top of said flexographic ink image or on the opposite side to that that previously printed.

61. Apparatus as in claim 60 wherein said additional colored ink images are formed with lithographic inks.

62. Apparatus as in claim 60 wherein at least one of said colored ink images is formed with a waterless ink.

63. Apparatus as in claim 60 further including an air dryer adjacent to said impression cylinder for drying the colored flexographic ink image transferred to said substrate before said additional colored ink images are printed thereon.

64. Apparatus as in claim 60 further including halftone printing plates for printing said colored ink images.

65. Apparatus as in claim 60 wherein said colored flexographic ink image and said lithographic colored ink images are printed as solid colors and/or with halftone printing plates in sequence and in registry in said successive printing stations to produce said multicolored image on said substrate.

66. Apparatus as in claim 60 wherein said printing apparatus includes a sheet-fed press.

67. Apparatus as in claim 60 wherein at least one of said flexographic printing stations prints said flexographic ink image with liquid vehicle slurry containing an encapsulated essence.

68. Apparatus as in claim 60 wherein at least one of said printing stations prints said flexographic ink image with a water-based liquid vehicle containing suspended particles.

69. Apparatus as in claim 68 wherein said suspended particles are uniform in size.

70. Apparatus as in claim 68 wherein said suspended particles are nonuniform in size.

71. Apparatus as in claim 68 wherein said suspended particles are metallic particles.

72. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a plurality of successive lithographic/flexographic printing stations for depositing a series of images on a substrate;

printing an image as one of said thin controlled layers on one side of said substrate at at least one of said flexographic stations;

transferring said printed substrate to at least one subsequent printing station in said continuous in-line process; and

printing an image on the reverse side of said substrate having said flexographic ink image, at at least one of said other subsequent lithographic printing stations with an offset lithographic process in the continuous in-line process.

73. A method as in claim 72 further comprising the step of drying said flexographic ink image on said substrate with an air dryer prior to printing said colored ink images thereon.

74. A method as in claim 72 further including the step of printing a coating on top of said colored ink images at one of said plurality of subsequent printing stations.

75. A method as in claim 72 wherein said colored inks forming said colored ink images are waterless.

76. A method as in claim 72 wherein said colored inks forming said colored ink images are in a solvent-based liquid vehicle.

77. A method as in claim 72 further including the steps of:

printing a slurry on one side of said substrate at any of said printing stations in said continuous in-line process;

using an encapsulated essence in said slurry; and

printing an ink on the reverse side of said substrate at a subsequent printing station in said in-line process.

78. A method as in claim 77 further including the step of printing an aqueous-based coating over said slurry.

79. A method as in claim 77 further including the step of printing an ultraviolet coating over said slurry.

80. A method of combining offset lithography and flexographic printing in a continuous in-line process comprising the steps of:

providing a substrate;

applying an ink or coating to a blanket cylinder in a pattern with a coating head at a flexographic printing station;

transferring said pattern of ink or coating from said blanket cylinder to one side of the substrate; and

printing a waterless ink pattern on the reverse side of said substrate at at least one subsequent offset lithographic printing station in said continuous in-line process.

81. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

printing an aqueous-based vehicle having suspended particles therein on one side of a substrate at a flexographic printing station to form an image;

transferring said image printed substrate to at least one additional printing station in said continuous in-line process; and

printing additional images on the reverse side of said printed substrate in an offset lithographic process at said at least one additional printing station in said in-line process.

82. A method of combining lithography and flexographic printing in a continuous in-line process comprising the steps of:

(1) providing a plurality of successive printing stations for depositing a series of images on a substrate in said in-line continuous process;

(2) utilizing an anilox roller to transfer a liquid ink as one of said thin controlled layers to a flexographic plate image at at least one of said printing stations;

(3) printing said liquid ink from said flexographic plate image to one side of a substrate;

(4) transferring said printed substrate with said liquid ink image to a subsequent printing station in said in-line printing process;

(5) repeating steps (2)-(4) at subsequent printing stations in said in-line process to achieve a desired opacity ink image on the one side of said substrate; and

(6) printing an ink pattern on the reverse side of said substrate using an offset lithographic process.



83. A method as in claim 82 further including the step of additionally printing ink images over said liquid ink image on said substrate at subsequent ones of said printing stations in said in-line process.

84. A method as in claim 83 wherein said liquid ink is an opaque white color.

85. A method of combining offset lithography and flexography using a plurality of successive printing stations in a continuous in-line process, comprising, at least one of said stations comprising a flexographic printing station for printing an image on said substrate using a flexographic process:

(1) printing an image at one or more of said printing stations on a substrate using an offset lithographic process;

(2) transferring said image printed substrate to an additional and flexographic printing station and printing at said flexographic and additional printing station a coating on all or part of said image on said substrate;

(3) transferring said substrate to one or more additional printing stations for printing the reverse side of the said substrate; and

(4) printing an image on said reverse side of said substrate at one of such one or more printing stations using an offset lithographic process in the continuous in-line process.

86. Apparatus for a combined offset lithographic and flexographic printing process comprising:

(1) a substrate;

(2) a plurality of successive printing stations for depositing a series of images selected from a group consisting of lithographic and flexographic inks, coatings and slurries on one or both sides of a substrate in a continuous in-line process;

(3) at least one of said stations comprising a flexographic printing station for printing an image on said substrate using a flexographic process;

(4) at least one of said successive printing stations being an offset lithographic printing station whereby said offset lithographic printing station is used to deposit one of said lithographic materials on either side of the said substrate in the continuous in-line process;

87. Apparatus for a combined offset lithographic/flexographic printing process comprising:

a plurality of successive printing stations for printing images on a substrate in a continuous in-line process, said printing stations including both offset lithographic and flexographic printing stations for depositing lithographic inks, and one or more flexographic inks, coatings and slurries on said substrate, whereby said lithographic inks, and one or more flexographic inks, coatings and slurries may be printed successively on one or both sides of said substrate in the continuous in-line process.

83. A method as in claim 82 further including the step of additionally printing ink images over said liquid ink image on said substrate at subsequent ones of said printing stations in said in-line process.

84. A method as in claim 83 wherein said liquid ink is an opaque white color.

85. A method of combining offset lithography and flexography using a plurality of successive printing stations in a continuous in-line process, at least one of said stations comprising a flexographic printing station for printing an image on said substrate using a flexographic process:

(1) printing an image at one or more of said printing stations on a substrate using an offset lithographic process;

(2) transferring said image printed substrate to an additional and flexographic printing station and printing at said flexographic and additional printing station a coating on all or part of said image on said substrate;

(3) transferring said substrate to one or more additional printing stations for printing the reverse side of the said substrate; and

(4) printing an image on said reverse side of said substrate at one of such one or more printing stations using an offset lithographic process in the continuous in-line process.

86. Apparatus for a combined offset lithographic and flexographic printing process comprising:

(1) a substrate;

(2) a plurality of successive printing stations for depositing a series of images selected from a group consisting of lithographic and flexographic inks, coatings and slurries on one or both sides of a substrate in a continuous in-line process;

THE CHINESE

**In re the Reissue Application of:**

For Reissue of U. S. Patent 5,630,363

Issued May 20, 1997

Serial No. 08/515,097

Filing Date: May 20, 1999

Serial No.: 09/315,796

Group Art Unit: 2854

Examiner: S. Funk  
J. Hilten

TO: The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**SIR:**

The undersigned reissue applicants, (1) Bill L. Davis, residing at 1126 Tipton Road, Irving, Texas 75060; and (2) Jesse S. Williamson, residing at 5728 Caruth, Dallas, Texas 75298, and both being United States citizens, declare that:

1. We are the same joint declarants of a REISSUE DECLARATION executed on or about May 20, 1999, and of a SUPPLEMENTAL REISSUE DECLARATION executed March 9, 2000, and wish again to reaffirm our affirmation that we believe ourselves to be the original, first and joint inventors of the invention described and claimed, and of the invention and discovery described, in United States Patent No. 4,630,363, for which we seek reissue. We also executed a Joint Declaration Under 37 C.F.R. §1.57(b) on May 20, 1999 ("the Rule 57 declaration").

2. We have reviewed the Office Action dated February 8, 2000, mailed February 9, 2000 and note the Examiner's rejection of Claims 1-6, 9-20, 22-25 and 28-38 (Office Action at page 7) allegedly as anticipated under 35 U.S.C. §102(e) in view of DeMoore et al., U.S. Patent No. 5,960,713 and of Claims 7-8, 21, 26, 27 and 39-87 (Office Action page 8) under 35 U.S.C. §103(a) as allegedly obvious over the same DeMoore et al. We filed an Amendment under 37 C.F.R. §1.111 on April 7, 2000 and wish again to note our beliefs as we stated in said Amendment that DeMoore et al's '713 patent is one of three issued U.S. patents all based on a common specification filed October 2, 1995 and that DeMoore's specification Serial No. 08/435,798 is radically different, having different description of the invention and different

$\Delta \pi$  EXHIBIT 4  
Deponent DAVIS  
Date 9/20/00 Rptr. 20  
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08/435,798

figures than the '713 patent, so that DeMoore et al. cannot be entitled to the May 4, 1995 filing date of Serial No. 08/435,798. We believe any fair examination of Serial No. 08/435,798 by one of ordinary skill in the art will lead said artisan to the conclusion that Serial No. 08/435,798 does not describe nor provide an enabling teaching of any of the claims of the '713 patent and therefore cannot place the artisan in possession of the '713 claimed invention. The '713 patent is a semi-permanent conversion of an offset lithographic printing press for flexographic production. This non-retractable unit applies coating to a flexographic plate mounted on either the plate or blanket cylinder of an offset lithographic printing press for direct or indirect (offset) flexography. The '713 patent does not use a cantilevered device as shown in Serial 08/435,798 or any other retractable mechanism and, in fact, teaches away from Serial 08/435,798. We also wish to note REISSUE APPLICANTS' MEMORANDUM CONCERNING THE PRIOR ART AND THEIR POSITION ON PATENTABILITY (the "MEMORANDUM") and the attached declarations thereto of Baker, Bird (two declarations), Brown and Garner.

3. As corroborated by the Declaration (attached to the MEMORANDUM) of former PRI salesman Steve Baker, executed November 3, 1999 and paragraphs 5-8 thereof, we met with Steve Baker at an Atlanta restaurant (Morton's Steakhouse) in the late evening on a Sunday in late July, 1994 and disclosed to him the broad aspects of our invention to-wit, that Williamson Printing Corporation's ("WPC's") proprietary "WIMS" process (now U.S. pat. 5,370,976) could be improved by employing flexography at a printing station we designated as "upstream" of one or more printing stations of an offset lithographic press that we would receive from Heidelberg Drucksmaschinen A.G. ("Heidelberg").

4. In fact, we had first conceived of this process upon the return of Jesse Williamson to the United States from Germany in late May, 1992. The conception was inspired -- at least in part -- by Jesse Williamson's observation of printing with an anilox roller at the coating tower at the plant of M.A.N. - Roland in Offenbach, Germany in late May 1992. In later '92 or early '93, WPC undertook a lengthy study to determine what presses WPC would purchase to replace its existing outdated presses. Until this study was completed and new presses were installed, it was not practical to reduce to practice our '363 process. As of the time of the restaurant meeting with Baker, we had then just returned from Germany and had already reached an oral agreement that WPC would purchase a number of offset lithographic presses from Heidelberg's United States subsidiary, Heidelberg U.S.A. ("Heidelberg").

5. As of the time of the July 1994 meeting, WPC, reissue applicants' assignee had settled a lawsuit with Steve Baker's then employer, Printing Research Corporation ("PRI"). Part of the settlement involved an obligation on the part of WPC to buy an agreed dollar amount of equipment and/or supplies from PRI. WPC had committed in early August 1994 to purchase dryer equipment from PRI for a line of Heidelberg printing presses to be installed at WPC starting in late 1994 running well into 1995. In fact, as part of the Atlanta trip, of the undersigned, Jesse Williamson was shown by Steve Baker a PRI-constructed HV interstation

drier at a local carton printer manufacturer in the Atlanta area. The undersigned reissue applicants also disclosed to Steve Baker WPC's proprietary "WIMS" process - later to become U.S. Pat. 5,370,976 - concerning the printing of metallic inks. We informed Steve Baker that a patent application was pending concerning the "WIMS" process. We showed Steve Baker some Rolex watch advertisements that were part of some jewelry catalogues that were printed by the WIMS '976 process. Jesse Williamson picked up the bill for dinner, even though Steve Baker was the salesman trying to sell WPC equipment.

6. We told Steve Baker at the Atlanta restaurant that we had conceived an invention to improve the WIMS process to make the metallic inks printed appear even more brilliant. As stated above, we told Steve Baker that we wanted to use flexography at a printing station we designated "upstream" - perhaps even the first station --- of one or more printing stations of an offset lithographic press that WPC would receive from Heidelberg. We mentioned several ways in which this could be done --- by a dedicated flexographic station which would replace an existing lithographic station, by a bolt-on manually added (like a "T-head", modified) device that would be used on a run-by-run basis, or a retractable or "rack-back" mechanism sold in the trade, which would have to be modified for "upstream" use. We mentioned that with respect to the rack-back option, that we would have like a retractable mechanism with an anilox roller and a chambered doctor. We would employ state-of-the-art flexographic plates. We mentioned that we had seen the use of some of these flexographic plates in Germany in late May 1992 and again in July 1994 and that a number of companies sold high-resolution plates which would work in our new process. We asked Steve Baker whether or not PRI was interested in supplying these types of rack-back or retractable devices. Steve Baker told us that PRI had available for modification an end-of-press rack-back, not dissimilar to (a) Dahlgren International's end-of-press device currently sold and (b) other devices which were sold by PRI's competitors. We were told PRI's rack-back was developed by PRI employee, John Bird, when John Bird was employed previously at another company in the eastern part of the United States. We had seen rack-back literature as of 1994 from a number of companies, including Dahlgren, Oxy-Dry, IBC, Rapidac, IVT, Epic, and PRI. Dahlgren had sold rack-backs for many years with anilox rollers, and on request, supplied a chambered doctor to units ordered. Any one of a number of rack-back vendors could have easily altered their end-of-press rack backs to make same an interstation device as of 1994.

7. We indicated to Steve Baker that we wanted to run some tests at Printing Research using the retractable equipment which might be modified for interstation use. These tests - conducted for WPC occurred later in 1994, specifically in October and December, as we recall. The tests concerned spot coating of selected images, including the application of metallics (our specialty in view of WIMS '976), opaque colors and encapsulated essences, as well as the evaluation of the resolution of flexographic plates. From approximately August to early October 1994, we investigated several flexographic plate manufacturers (DuPont, BASF and W.R. Grace

(Polyfibrone)) that supplied WPC with the flexographic plate technology used in the October and December 1994 tests at PRI. The plates were made at Chicago Lithoplate and Wilson Engraving using raw plate materials supplied by the manufacturers and negatives supplied by WPC. For these tests at PRI, we supplied the substrates, the flexographic plates, the subject matter for the plates (selected films from previous jobs), and the flexographic inks and coatings. The tests were conducted at PRI at Bill Davis' direction. The December 1994 tests continued the October tests, and were also under Bill Davis' direction. We had much earlier, in our July 1994 trip to Germany, begun our investigation of the manufacture of flexographic printing plates, which included, in due course, discussions with the foregoing plate manufacturers.

8. In a series of meetings and conferences, which started on or about August 18, 1994, we conveyed to John Bird details of the '363 process we wanted implemented by a modified "rack-back" device to go "upstream", together with these tests we wanted run in the fall of 1994 using the 2-color press at PRI. Specifically, among other things, we disclosed to Bird (a) the resolution requirements for flexographic plates for our process, (b) requirements for anilox rollers, including line screening count ranges and minimums, and the availability of anilox rollers having desired features, (c) the WIMS '976 process (now U.S. Patent 5,370,976), (d) the problems with the printing of metallic/whites/opaque/encapsulated essences/and various other coatings with WIMS '976, (e) our desire that the flexographic plates be mounted to the blanket cylinder, (f) our uses of and requirements for flexographic inks and coatings, (g) half-tone printing, and (h) drying requirements for the new process. These matters were discussed in various meetings with Bird starting in August 1994 and proceeding through very late 1994 into early 1995. We notice in a review of the application filed as Serial No. 08/435,798 and its European equivalent EP 741,025 (A2) that the process aspects of this application filed in the name of three PRI employees, including Bird, discloses process features we told Baker and Bird from July 1994 through the end of 1994. We do not believe that any of the important process aspects taught in the PRI application pertaining to the '363 claimed invention originated with anyone other than the undersigned, through Bird and Baker. PRI derived the process aspects of their May 4, 1995 priority patent application from us.

9. As stated, Bill Davis conducted and supervised the fall 1994 tests at PRI using flexographic plates, inks and coatings supplied by WPC. WPC did not enter into a formal written understanding committing PRI to build for us any rack-back devices of any type prior to February, 1995, after we returned from Germany in January 1995, where we successfully simulated the '363 process, although we told PRI and Baker (and later Bird) from July 1994 forward that PRI would be in the running for the business if PRI made such an interstation device.

10. We were never told at any time prior to early 1999 by anyone at PRI that anyone at PRI thought some PRI employee had conceived the '363 process. We clearly came up with the process, as is corroborated by the Baker and Bird declarations. We even informed WPC's



Chairman, Jerry Williamson, of some of the prospective advantages of the process. Note the internal memorandum of November 18, 1994, paragraph no. 6 on page one, the first document of group Exhibit A, and a later memorandum dated December 16, 1994, item two.

11. Starting in the late summer of 1994, we had a parallel track we were pursuing concerning the development of our invention as we did not know whether PRI would perform, wanted to perform, or would be price competitive with a modified rack-back. We had disclosed the invention to Heidelberg U.S.A.'s salesman Scott Brown no later than August 5, 1994 - flexography being performed first followed by offset lithography, all in one pass. We explained, as we had done to Steve Baker, the various options of having this done, e.g., a dedicated station, a mounted unit, or an auxiliary retractable unit. We explained to Scott Brown that we wanted a simulation of the invention (flexography printed first followed by lithography in a second pass), and Heidelberg originally scheduled the simulations the week of December 10, 1994. See Exhibits B and C. Because of the holidays, this simulation was rescheduled for January 20-21, 1995. The tests were carefully planned. (Exhibit J). BASF supplied the flexographic plate making equipment for our tests in Germany, even sent WPC a proposal in the first part of October, 1994. (Exhibit D)

12. On January 20-21, 1995 the first simulated reductions took place in Germany. The day-long tests on January 20, 1995 involved comparisons of the results of the new WIMS improved process (or "WIMS II") over the old process and involved rerunning some established WPC advertisements made for Rolex, some art work involving a 1957 Chevrolet bumper grill, an apple of some configuration, a memorable portion of an automobile brochure comprising a silver Lexus driving on a wet cobblestone road (having a shimmery look with a gold reflection off of puddles on the cobblestone), and finally some test-type patterns, to be run through the press, first with one or more flexography runs using an anilox roller and the BASF flexographic plates obtained for us at our request from Scott Brown of Heidelberg U.S.A., and followed up by offset lithography. With respect to the Lexus brochure portion, the multiple hues of the gold and silver metallic, blended with the natural wet cobblestones, were most impressive. The tests took all day from early in the morning until well after dark, and continued the next day. We directed the work of the German Heidelberg Drucksmaschinen A.G. technicians. There was unusual brilliance for the metallic inks involved, and without distortion. Several hundred impressions were printed, and sent through the presses in multiple passes, with the flexography step being done first, as the anilox roller existed end-of-press on the coating tower. The second day, January 21, 1995, involved more tests. The results - especially comparing the older results of the WIMS process with the new, improved process were very, very impressive - the enhanced brilliance of the metallic colors in the Rolex advertisement and the Lexus brochure were especially memorable, as the impressions had a sheen that was clearly of more brilliance than the older WIMS counterpart impressions. Note a copy of one of the first Rolex advertisement sheets produced by a simulation of the invention, Exhibit E. No one attended the tests from PRI, but

we told PRI executive Garner of the results that day since he was also in Heidelberg on business and we happened to see him at his hotel.

13. Also, in January 1995, a meeting took place in Conference Room E at WPC, which was attended by the undersigned reissue applicants, as well as John Bird and Steve Baker of PRI. At this meeting, Jesse Williamson told Bird and Steve Baker that he (Williamson) and Davis were going to file a patent application on their new process.

14. By early February, we decided to go with the modified PRI rack-back, rather than having a dedicated flexography station manufactured by Heidelberger. PRI wanted to install an experimental "short-arm," end-of-press prototype device on the first Heidelberg press to arrive at WPC for what they described as for their own purposes. This experimental "short arm", cantilevered device was provided to WPC at no charge and was installed on the tower coater of the new Heidelberg 7-color press in late February, 1995. By March 4 or so, we had Heidelberg executives and the foreign press in Dallas, some of whom saw the first U.S.A. simulation of the invention on March 4, 1995. There was even a publication of this "WIMS II" ('363) simulation - see group **Exhibit F**. Later on March 20, 1995, we ran the first commercial job using a simulation of the '363 invention for a Washington D.C. client - Mills Davis and Hi-Fi Color (the so-called "Brian Liester" poster), for which WPC won an award at the PIA's Premier Print Awards in late 1995 in Chicago, Illinois. Later off-line simulations occurred in May 1995 for Wolstenholme - a brochure ("Take a Ride With WIMS") for 1995 DRUPA - and the Dallas Opera in July 1995 ("Madame Butterfly").

15. Although we had orally committed by early February 1995 to purchase from PRI modified rack-back devices (See **Exhibit H**) to carry out the '363 process, PRI's confirmatory letter for a time table for installation of the first interstation device was not transmitted to WPC until May 12, 1995, setting 90 days for completion. (See **Exhibit G**). This first "long-arm", or automated unit, was actually installed in late August 1995 or early September 1995, and to the best of our knowledge the first actual in-line reduction of the invention occurred at WPC in mid-September, 1995.

16. As indicated, we told PRI representatives in January, 1995 that we were going to file a patent application on our process. From early May 1995 until the filing date of our application in mid-August, 1995, we recall we were involved in the drafting and redrafting of a patent application with our attorney Al Hall, the drafts of which we assert our attorney-client privilege. See '363 privilege list for May 4, 1995 - August 14, 1995, **Exhibit I**. According to this privilege list, there were at least three drafts of the patent application, consistent with what we recall. Pertaining to the '363 invention, the time period from May 3, 1995 to our filing date in August 1995 was consumed by said patent drafting activity, simulations of the process, and anticipated installation of the first '363 interstation device.

17. Paragraph 3 of our Rule 57 declaration executed May 20 1999, states, in part, that  
"[i]n approximately December 1994, Petitioners requested  
Printing Research to design and install on the tower coater at the

end of Williamson Printing's seven-color press an experimental flexographic printer coater having an anilox roller."

For several reasons, as explained below, this statement is in error. First, we now know they we never requested the construction of an experimental unit. Second, following the disclosure of the '363 process to Steve Baker in the summer of 1994, we expressed our desire to Steve Baker, John Bird and others at PRI to obtain a retractable printer/coater with an anilox roller and a chambered doctor for upstream use with the '363 process. Baker and Bird indicated that PRI could produce such a device. Accordingly, process design details were disclosed to Bird and others throughout the fall of 1994 and into 1995. Third, PRI constructed an experimental flexographic printer/coater, which was installed at the tower coater at the end of WPC's seven-color press at the end of February 1995, but this experimental unit was not requested by WPC.

18. The errors in the Rule 57 declaration statement quoted above in paragraph 17 were made inadvertently and without deceptive intent. The reasons for the errors in the above statement are that the Rule 57 declaration was prepared as part of the reissue papers in a short time period of four days prior to and including May 20, 1999, we did not have the opportunity to review all of the relevant 1994 and 1995 documents from WPC's and our files relating to this matter before execution of the declaration, and John Bird's letter of February 16, 1995 (Exhibit G), which was reviewed by us and was the first correspondence from PRI relating to construction of the interstation flexographic printer/coater by PRI, contained several errors, which we believe were unintentional and inadvertent.

19. Paragraph 5 of our Rule 57 Declaration also states in part, that  
"[i]n approximately January or early February 1995, Petitioners requested Printing Research, Inc. to design and to install on the first printing station of the triple tower press a flexographic printer/coater like the experimental coater installed on the seven-color press. This unit was installed on the seven-color press in approximately mid-March 1995. Thus, at or about this time, Petitioners' invention was disclosed or imparted, at least in part, to Printing Research, Inc.."

For several reasons, as explained below, this statement is also in error. First, we now know that we never requested the construction of an experimental unit. Second, following the disclosure of the '363 process to Steve Baker in the summer of 1994, we expressed our desire to Steve Baker, John Bird and others at PRI to obtain a retractable printer/coater with an anilox roller and a chambered doctor for upstream use with the '363 process. Baker and Bird indicated that PRI could produce such a device. Accordingly, process design details were disclosed to Bird and others throughout the fall of 1994 and into 1995. Third, PRI constructed an experimental flexographic printer/coater, which was installed at the tower coater at the end of WPC's seven-color press at the end of February 1995, but this experimental unit was not requested by WPC. Fourth, on or about February 11, 1995, a meeting was held at WPC in which PRI confirmed that it would construct and install such a retractable interstation device on the first printing station

of WPC's newly arrived six-color press. This first interstation device was the subject of a second confirmatory letter, dated May 12, 1995, from Bird to Jerry Williamson, which gave ninety (90) days for completion. The interstation device was actually installed on the first station of WPC's six-color press in late August or early September 1995, as noted in paragraph 15 above. Fifth, we first informed Steve Baker and PRI of our invention, as indicated above in paragraphs 5-6, in July 1994, and the details of the invention to Bird of PRI, as noted in paragraphs 8-9, in the fall of 1994.

20. The errors in the Rule 57 declaration statement quoted above in paragraph 19 were made inadvertently and without deceptive intent. The reasons for the errors in the above statement are that the Rule 57 declaration was prepared as part of the reissue papers in a short time period of four days prior to and including May 20, 1999, we did not have the opportunity to review all of the relevant 1994 and 1995 documents from our files relating to this matter before execution of the declaration and John Bird's letter of February 16, 1995, which was reviewed by us and was the first correspondence from PRI relating to construction of the interstation flexographic printer/coater by PRI, contained several errors, which we believe were unintentional and inadvertent.

21. In addition to the aforesaid errors, a number of errors pertaining to dates exist in the Rule 57 declaration. In paragraph 1, there is an indication that "in approximately June 1994", WPC ordered several presses from Heidelberg Drucksmaschinen A.G. True, an oral commitment was made in June between WPC and Heidelberger, but written confirmation did not occur until August, 1994. This error was made inadvertently, and without deceptive intent. We did not have the opportunity to review our corporate employer's files or our personal files when we executed the Rule 57 declaration on May 20, 1999. A similar date error as to the purchase of new press equipment occurred in the first sentence of paragraph 4, likewise made inadvertently and without deceptive intent.

22. Still other date errors occurred in paragraph 1 of the Rule 57 declaration:

"One of these presses, a seven-color press with a tower coater (the seven-color press") was installed at Williamson Printing in approximately October 1994 ... In approximately October-November 1994, Printing Research demonstrated to Petitioner's its end-of-press anilox coating system, known as the plate blanket coater."

The installation of the press identified was started in September 1994, not October 1994. Additionally, tests at PRI were conducted in October 1994 and December 1994, but under WPC's direction and control, as noted above in paragraph 9. Such errors in our Rule 57 declaration were made inadvertently and without deceptive intent.

23. Likewise, another date error occurred at the end of paragraph 3 of the Rule 57 declaration:

"The only correspondence we can find between Williamson Printing Corporation and Printing Research, Inc. after Exhibit 1, and prior to installation of the interstation printer/coater, is attached hereto as Exhibit 2."

After a chance to review WPC's and our own records, we found Bird's proposal of May 12, 1995, Exhibit G, and an assortment of documents pertaining to negotiations between the parties, Group Exhibit K. This is strictly an error in dates, as we previously declared that the first interstation unit was delivered in mid-March, 1995 (see Rule 57 declaration, paragraph 5 discussed above), when the first interstation unit was actually delivered in late August 1995 or early September 1995. See paragraph 15 above.

Other than the errors noted above, the remainder of the comments in the Rule 57 declaration not inconsistent with the statements made in this declaration after a review of our documents, we reaffirm as we still believe they are true and correct.

The undersigned Declarants state that all statements made herein of Declarants' own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Bill L. Davis  
Bill L. Davis

6 - 30 - 00  
Date

Jesse S. Williamson  
Jesse S. Williamson

6/30/2000  
Date

THE END OF THE LINE

THE UNIVERSITY OF CHICAGO

A

6-12-94 → 6-18-94

MARRIOTT INTERSTATE N HTL  
ATLANTA GA

00108262

5/28	6/08	556994K5	GOLDEN CORRAL	ATHENS	TX
6/05	6/08	10Z8L18S	CALL HOME AMERICA	BINGHAM FARMS	MI
6/11	6/12	N3CZ2BPQ	STONE MOUNTAIN	STONE MOUNTAIN	GA
6/07	6/09		15 INWOOD	DALLAS,	TX

MARRIOTT INTERSTATE N HTL  
ATLANTA GA

00108265

Reference Number	Charges and Other Debits	Payments and Credits
0460099Z	BUDGET RENT A CAR EAST POINT GA	

ITEM 013  
MORTONS/BUCKHEAD ATLANTA GA

Cardmember Account No. \_\_\_\_\_ Date of Charge 06/12/94 Reference Code 000094924 Approval Code 27

Service Establishment and Location  
MORTONS/BUCKHEAD ATLANTA GA

Record of Charge

FOOD AND BEVERAGE  
TIP

6/12

S/F # \_\_\_\_\_ TOTAL CHARGE AMOUNT \_\_\_\_\_

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Δ π EXHIBIT 5A  
Deponent Davis  
Date 9/20/00 Rptr. sc  
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06-11-94 AMERICAN AIRLINES 16200104  
DAL/FT WRTH TX  
DALLAS/FT. WORTH TO ATLANTA  
TICKET #0012179123187

06-11-94 AMERICAN AIRLINES 16200104  
ATLANTA GA  
ATLANTA TO DALLAS/FT. WORTH  
TICKET #0012179123190

06-11-94 AMERICAN AIRLINES 16200104  
ATLANTA GA  
ATLANTA TO DALLAS/FT. WORTH  
TICKET #0012179123191

06-14-94 MARRIOTT INTERSTATE N HTL 00108262  
ATLANTA GA

06-14-94 MARRIOTT INTERSTATE N HTL 00108265  
ATLANTA GA

TOTAL FOR CARD: 3855 530862 0037

Previous Balance	- Payments	- Credits	= Past Due Balance
Late Fees	+ New Charges	+ Other Debits	= Diners Club Balance Due

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**Fuller & Associates**  
Incorporated

ASCII FILE

Printing Research Inc et al

VS

Williamson Printing Corp., et al

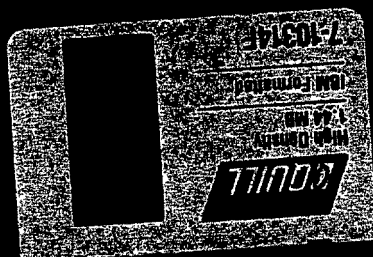
WITNESS NAME: Bill Davis

TAKEN ON: 09-20-00

TAKEN BY: Tim Cheatham, CSR

FILE NAME: 0920davi.txt

5260 Renaissance Tower, 1201 Elm Street Dallas, Tx 75270  
214.744.1250 • Fax 214.744.1252



TOP SECRET

## EXHIBIT A-2

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

PRINTING RESEARCH, INC. X  
HOWARD W. DEMOORE and X  
RON M. RENDLEMAN X  
X CIVIL ACTION NO.  
VS. X 3-99CV1154-M  
X  
WILLIAMSON PRINTING CORP., X  
BILL L. DAVIS and X  
JESSE WILLIAMSON X

VIDEOTAPED

ORAL DEPOSITION

OF

BILL DAVIS

Volume 2

November 17, 2000

ANSWERS AND VIDEOTAPED DEPOSITION OF BILL DAVIS,  
produced as a witness at the instance of the Plaintiff,  
being duly sworn, was taken in the above-styled and  
numbered cause on the 17th day of November, 2000, from  
9:44 a.m. to 3:48 p.m., before Christina Cheatham, a  
Certified Shorthand Reporter in and for the State of  
Texas, via machine shorthand, at the offices of Worsham,  
Forsythe, Wooldridge, L.L.P., located at 1601 Bryan  
Street, Energy Plaza, 30th Floor, in the City of Dallas,  
County of Dallas and State of Texas.

COPY

## A P P E A R A N C E S

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-AND-

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## APPEARING FOR THE DEFENDANT

ALSO PRESENT: Mr. Howard W. DeMoore  
Mr. Dave Douglas  
Ms. Kirby Read, Videographer

## I N D E X

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## P R O C E E D I N G S

VIDEOGRAPHER: We're on the record at 9:44.  
Would the court reporter please swear in the witness.

BILL DAVIS,  
having been sworn to testify the truth, testified as  
follows:

## EXAMINATION

BY MR. HARRIS:

Q. Mr. Davis, I'm a little uncertain about whether  
this is a resumption of the deposition we've had or  
whether it's a new deposition, but I don't guess that  
makes a whole lot of difference. In point of fact, I  
think it's a resumption.

MR. HARRIS: Don't you think so,  
Mr. Pinkerton?

MR. PINKERTON: I think that's right.

Q. (By Mr. Harris) Who is Harry Bowyer?

A. Harry Bowyer is an employee of Wolstenholme  
International. He is their -- he's one of the board of  
directors. I don't know whether he carries a vice  
president title or not, but he is the director of  
marketing, sales and marketing, for that company.

They're headquartered in Birmingham --  
excuse me, in Manchester, England and they make finely  
disintegrated metal particles for use as pigment in inks,

1 coatings and paint.

2 Q. Thank you. That answer reminded me of what my  
3 other question was.

4 MR. PINKERTON: Okay.

5 Q. (By Mr. Harris) I guess one other thing I ought  
6 to ask you to -- you're the same Mr. Davis that  
7 previously gave a deposition in this case, are you not?

8 A. Yes, sir, I am.

9 Q. And just for ID purposes state your full name  
10 and where you reside.

11 A. I'm Bill L. Davis. I reside at 1126 Tipton Road  
12 in Irving, Texas, 75060.

13 Q. Excuse me just a minute while I take something  
14 up with Mr. Pinkerton.

15 MR. HARRIS: I do want to take Mr. Bowyer's  
16 deposition and I haven't given any great thought to  
17 whether I would prefer personally to take it in England  
18 or whether I prefer personally to take it over here, and  
19 since he's essentially your witness, I would ask you what  
20 your inputs are on the matter.

21 I think at one time I brought this up, not  
22 long ago, but a fairly short time ago and I asked if you  
23 could give it some attention.

24 MR. PINKERTON: You and I did discuss that,  
25 Bill, and at that time I told you that I would contact

1 Mr. Bowyer and see if we could work out some convenient  
2 dates that he would be available.

3 MR. HARRIS: Yeah.

4 MR. PINKERTON: I feel confident that he  
5 will agree to a deposition, and I think I told you at  
6 that time that because of the present activities that we  
7 had going in the case that I wouldn't be able to tend to  
8 that this week, but I will address it and will give  
9 Mr. Bowyer a call as soon as possible and see what his  
10 schedule looks like and see what he'd like to do.

11 MR. HARRIS: Okay. As far as the  
12 deposition itself is concerned, of course, his  
13 convenience is of importance. On the other hand, you had  
14 penciled in a possible date for it.

15 MR. PINKERTON: Right.

16 MR. HARRIS: And that date is okay, for  
17 openers.

18 MR. PINKERTON: Okay.

19 MR. HARRIS: I had mentioned that to you.

20 MR. PINKERTON: Right, and so we'll target  
21 that and see if it's fine with him.

22 MR. HARRIS: All right.

23 MR. PINKERTON: Some time during that week.

24 MR. HARRIS: Okay.

25 Q. (By Mr. Harris) Back to the questions about

1 Mr. Bowyer. How long have you known him?

2 A. I met Harry, I believe in, some time in '92. He  
3 was -- he and Jesse Williamson had met at one of the  
4 shows, printing equipment shows in Birmingham, England,  
5 and Jesse expressed his interest in developing a better  
6 brilliant printing ink, and Harry agreed that they would  
7 work with us to improve the brilliance of our  
8 lithographic printing ink, and he made a visit to our  
9 plant. I'm not sure whether it was '91, but he did visit  
10 us in '92. I believe that's the first -- maybe the first  
11 time I met Harry, in the fall, as I recall.

12 Q. And did the relationship continue?

13 A. Yes, sir.

14 Q. When did you next see him?

15 A. I don't recall. I think Harry would make, seems  
16 to me like he visited our plant a couple a times a year  
17 maybe to just kind of update Jesse on what they had  
18 developed and what was the latest best product they had  
19 to offer us.

20 Q. Did you buy any product from them?

21 A. Well, they actually sell the pigment to the ink  
22 maker, so we would purchase from whatever ink maker we  
23 were using at the time. Wolstenholme would sell that  
24 pigment to them and the ink maker would manufacture the  
25 ink, and we'd specified whomever ink maker we were using,

1 that they utilize the Wolstenholme pigments.

2 Q. What kind of a volume are you taking about on  
3 the sales of that material?

4 A. Oh, Mr. Harris, I wouldn't have an idea. I just  
5 don't -- I wouldn't know the numbers.

6 Q. Important enough to drop by a couple of times a  
7 year to see you from England?

8 MR. PINKERTON: Object to the form.

9 THE WITNESS: I suppose so, yes.

10 Q. (By Mr. Harris) And while talking about people,  
11 there are a couple of other names I wanted to check out.  
12 Are there other people associated with that company that  
13 you're acquainted with?

14 A. There was a fellow, I believe on Harry's first  
15 visit to our plant, maybe second visit, one of their  
16 technicians named Ronald McDonald, strange as it may  
17 seem, and two other young men we met in Germany in '95,  
18 Michael Yates and Steve Clark. Michael Yates was a  
19 marketing or salesperson for them and Steve Clark was a  
20 technician.

21 Q. Who is Helmut Plier with?

22 A. I believe he is with MAN-Roland, I believe.

23 Q. And you'll have to help me with the next one.  
24 The Wolfgang is easy, but the rest is not,  
25 S-c-h-w-e-i-s-s-e-r, a man you might have met in 1992, if

1 I go back to some of your prior testimony.

2 A. I don't recall meeting either of those fellows.  
3 I believe Jesse may have met with this Plier, and I'm not  
4 sure about the other.

5 Q. You weren't present with either of those two?

6 A. No, sir.

7 Q. Now, you have not recently made a trip to  
8 Germany, have you?

9 A. Yes, in fact, I have.

10 Q. You have?

11 A. Yes, sir.

12 Q. How recent?

13 A. Two weeks ago.

14 Q. Did you meet with either one of the persons that  
15 I just mentioned?

16 A. No, sir.

17 Q. Who did you meet with?

18 A. We met with MAN-Roland personnel in Augsburg --

19 Q. Yes.

20 A. -- discussing our web presses and our desire and  
21 need for a new eight-unit web press --

22 Q. Yes.

23 A. -- and it's configuration.

24 Q. Was there any incidental mention concerning a  
25 MAN-Roland patent?

1 A. I don't recall that -- I don't recall that there  
2 was. There may have been, I just don't remember what was  
3 said about that.

4 Q. Was there any mention at all of it? I didn't  
5 ask you what was said, Mr. Davis. I know you know you  
6 are under oath, Mr. Davis.

7 A. I think there was some discussion about whom to  
8 contact at MAN-Roland Offenbach, which is another city  
9 where the fellow Helmut Plier works. I believe there  
10 might have been a discussion about that.

11 Q. Who to contact for what purpose?

12 A. To discuss their -- they have a patent that --  
13 there was -- wanted to discuss with them their patent.

14 Q. And did someone discuss it with Helmut Plier or  
15 someone else, either in person or by phone?

16 A. I don't know about Helmut Plier. Apparently  
17 there was a call made by the Augsburg MAN-Roland people  
18 and whomever the discussions should have been with or was  
19 to be with was on vacation, so there was not any further.

20 Q. Was Mr. Jesse Williamson with you?

21 A. Yes.

22 Q. And did he go to Offenbach?

23 A. No, sir, no, not -- no, he didn't go to  
24 Offenbach.

25 Q. Was Mr. Falk with you?

1 A. No, sir.

2 Q. Did you have an attorney with you from the  
3 United States?

4 A. No, sir.

5 Q. Did you have a German attorney with you?

6 A. No, sir.

7 Q. Did you get any word back from MAN-Roland as to  
8 their position concerning their patent as might relate in  
9 some way to your patent?

10 A. No, sir.

11 Q. But that's what the call was made for, wasn't  
12 it?

13 A. Yes.

14 Q. Have there been telephone calls here from the  
15 United States to follow up on that matter?

16 A. I'm not aware of -- I have not made any. I am  
17 not aware of any that have been made.

18 Q. You expect you are going to buy something from  
19 MAN-Roland; is that right?

20 MR. PINKERTON: Object to the form.

21 THE WITNESS: The web press --

22 Q. (By Mr. Harris) Did you order one?

23 A. Group in Augsburg.

24 Q. Did you order one?

25 A. No, sir, we haven't yet.



1 Q. You about to order one?

2 A. I'm not sure. We are still trying to decide  
3 configuration and that, and we still haven't made that  
4 decision.

5 Q. Anyway, you are a potential customer of theirs  
6 of some significance; is that true?

7 MR. PINKERTON: Object to the form.

8 THE WITNESS: Of the web press group, yes,  
9 sir.

10 Q. (By Mr. Harris) Of MAN-Roland?

11 A. Yes, sir.

12 Q. Did anybody establish or contact with someone  
13 from the patent department or in charge of the patent  
14 department of MAN-Roland?

15 A. I'm not sure who the people in Augsburg talked  
16 to, some department head or some directors, I'm really  
17 not sure who they talked to.

18 Q. Did they have anything at all to report other  
19 than whoever it is, X, that's on vacation?

20 A. Not that I'm aware of, no.

21 Q. Have you heard anything since?

22 A. I have not.

23 Q. Was the question put to them if they were coming  
24 to trial here in the United States, any MAN-Roland  
25 people?

1 A. No, sir.

2 Q. Did the question come up in any way, either from  
3 MAN-Roland or from you?

4 A. No.

5 Q. And by you, I generically mean your company?

6 A. Not to my knowledge, no.

7 Q. What other persons can you remember by name from  
8 MAN-Roland that you had a contact with while you were  
9 there?

10 A. We just dealt with the people in Augsburg and  
11 I'm not sure who they contacted in Offenbach. I don't  
12 recall any names.

13 Q. Would you have notes that showed the names?

14 A. No, sir, I wouldn't have any notes.

15 Q. None at all?

16 A. No, sir.

17 Q. Do you have your travel records?

18 A. I don't really keep any daytimers or any travel  
19 records.

20 Q. Well, did you make an expense account request?

21 A. I will make an expense report. Our tickets got  
22 changed several times and so they had to go back to the  
23 travel agent and I've got to get the real cost of the  
24 ticket before I can make an accurate expense report. And  
25 I didn't have any expenses, to speak of, other than the

1 ticket.

2 Q. Well, then is it fair to say that, as is usually  
3 the case, that Mr. Jesse Williamson paid all of the  
4 things and you nothing?

5 MR. PINKERTON: Object to the form.

6 THE WITNESS: I think in this case -- I  
7 think the MAN-Roland salesman that was with us probably  
8 took care of most of the meals that we had, you know.

9 Q. (By Mr. Harris) But not the airplane ticket?

10 A. Oh, no, sir, no, sir.

11 Q. You took care of that --

12 A. Yes, sir, Williamson Printing Company.

13 Q. -- and look to the company for reimbursement,  
14 right?

15 A. It was charged to the company, but I still will  
16 do an expense report.

17 Q. Is it common for you to do expense reports?

18 A. Generally, yes. If you go on a trip you do an  
19 expense report most of the time.

20 Q. Change the tempo here a little bit to something  
21 else. When did you first tell Jerry Williamson about  
22 your invention of the 363, if at all?

23 A. I'm not sure, probably some time in '92, but I  
24 don't have a recollection of exactly when.

25 Q. What did you tell him at that time?

1 A. I think just that we had a better way to improve  
2 our WIMS process, which was a previous patent that we had  
3 integrated metallics with four-color process.

4 Q. Just a minor correction, you didn't have a  
5 patent on so-called WIMS in 1992, did you, sir?

6 A. No, we had applied.

7 Q. It was 1994 at least before you had such a  
8 patent, wasn't it?

9 A. That's correct, it was issued then. We had  
10 filed in '92, but --

11 Q. Well, did Jerry Williamson act like it was the  
12 first time he had heard of the notion you passed on to  
13 him about the 363, and when I say the 363, we both  
14 realize that it was a number of years until that patent  
15 was granted, but I'm talking about the subject matter of  
16 the 363; is that understood?

17 A. Yes, sir.

18 Q. I'll repeat the question, if you'd like. Did he  
19 act like it was the first time he had heard of it when  
20 you spoke to him?

21 MR. PINKERTON: Object to the form.

22 THE WITNESS: I don't recall any reaction  
23 one way or the other.

24 Q. (By Mr. Harris) Do you recall how complete the  
25 idea was at the time you spoke with him?

TOP SECRET

1           A.    I think the idea was complete.  It was our  
2 concept, and based on Jesse and I's coming together and  
3 Jesse's experience at seeing how effective an anilox  
4 roller with a chambered doctor could print a metallic  
5 coating and we had -- yes, we had a complete concept.

6           Q.    Well, it's fair to say, is it not, that your  
7 testimony has been and your view is that you and Jesse  
8 Williamson were together at the time that you had the  
9 concept of this invention; is that correct?

10          A.    Yes, sir.

11          Q.    And that it occurred after he had come back from  
12 Germany; is that correct?

13               MR. PINKERTON:  I object to the way the  
14 question is phrased.  I don't know why you are injecting  
15 that type of voice, but I think it's a very argumentative  
16 tone, Mr. Harris.  I object to that type of behavior in  
17 the deposition.

18               MR. HARRIS:  My wife says that to me  
19 sometimes.

20               MR. PINKERTON:  Well deserved.

21               MR. HARRIS:  Well, this gentleman has  
22 tougher hide than you do.

23               MR. PINKERTON:  Let's don't be  
24 argumentative, threatening.

25               MR. WILSON:  Well, let's just state our

1 objection as argumentative.

2 MR. PINKERTON: We'll get Dorothy on the  
3 phone and let her second that objection.

4 MR. FALK: Bill, you do know that you have  
5 a tendency to sometimes snarl.

6 MR. HARRIS: What? Let the record show I'm  
7 just trying to kid someone who is kidding me.

8 MR. FALK: I am kidding you, Bill.

9 MR. HARRIS: Yeah, we don't need to put on  
10 the boxing gloves. That's not our business.

11 Q. (By Mr. Harris) How much experience did the  
12 Williamson company have in the flexo area in 1992?

13 A. Other than our observations of various auxiliary  
14 rack-back interpress coating systems that we observed at  
15 trade shows we didn't have any flexographic experience at  
16 all.

17 Q. So at the time that you and Jesse Williamson had  
18 this idea you weren't particularly versed in the idea of  
19 flexo or in the printing by flexo?

20 MR. PINKERTON: Object to the form.

21 THE WITNESS: Well, we knew that there were  
22 workable units in the field, and based on that we put  
23 that together with various other elements of our  
24 invention and conceived what we thought was a real  
25 advancement and improvement in our WIMS process.

1 Q. (By Mr. Harris) That's the one that was  
2 actually reduced to practice in late 1995; is that right?

3 MR. PINKERTON: Object to the form. I  
4 don't know what you mean "that."

5 THE WITNESS: Well, the WIMS or the --

6 Q. (By Mr. Harris) No, the --

7 A. -- Litholux we --

8 Q. -- improvement, you said it was an improvement?

9 A. Yes, sir. That improvement was reduced to  
10 practice in an off-line manner in January of '95 in  
11 Germany and in our plant then around the first of March  
12 that same year.

13 Q. What year?

14 A. The same year, of '95.

15 Q. But I don't know what you mean by off-line is --  
16 let me try again.

17 By off-line you mean two pass, do you not?

18 A. Yes, sir, that's correct.

19 Q. And your invention is not supposed to cover  
20 two-pass, as far as you know, is it?

21 A. No, we reduced to practice towards the end of  
22 1995 when we had a unit installed on the first unit of a  
23 six-color press in the pressroom.

24 Q. The installation was by Printing Research, Inc.,  
25 wasn't it?

1 A. Yes, sir, that's correct.

2 Q. And equipment installed was maintained and  
3 operated in the reduction or in the printing by Printing  
4 Research personnel, was it not?

5 MR. PINKERTON: Object to the form.

6 THE WITNESS: It was our printing press.  
7 We were operating the printing press, and we had received  
8 training on the particular operation of their  
9 printer/coater.

10 Q. (By Mr. Harris) But you didn't know how to  
11 operate it, really at that point in time, did you? That  
12 was the first time, you didn't know how to do it, did  
13 you?

14 A. The printer/coater -- we had to have  
15 instructions or training on the operation of the  
16 printer/coater.

17 Q. And you had someone there from PRI, didn't you?

18 A. That's correct.

19 Q. And the someone was the one that looked after  
20 the printer/coater, wasn't it?

21 A. The printer/coater, that's correct, yes.

22 Q. And indeed, it was a long time after that until  
23 your personnel felt comfortable trying to service the  
24 printer/coater; is that not true?

25 MR. PINKERTON: Object to the form.



1 THE WITNESS: Well, we operated it with  
2 some degree of efficiency and printed several jobs  
3 actually in the month of March and on through into April  
4 and May.

5 Q. Do you remember the letter from Mr. Jesse  
6 Williamson that was quarreling considerably with Printing  
7 Research, Inc. because they hadn't taught any of your  
8 people how to use the printer coater?

9 A. I believe I do.

10 Q. Was that an untrue letter?

11 A. Well, Jesse wanted us to get better, and I guess  
12 he felt that that particular letter in that tone was  
13 necessary.

14 Q. Well, from your own point of view, is that an  
15 untrue letter?

16 MR. PINKERTON: I'm going to object to the  
17 form. Don't know what letter you're talking about  
18 specifically.

19 MR. HARRIS: The witness does.

20 MR. PINKERTON: If he does, that's fine.  
21 I'll object to it because it's unclear.

22 THE WITNESS: I'm not really sure what he  
23 meant by it. I don't know.

24 Q. (By Mr. Harris) You don't know whether it was  
25 true or untrue, then?

1 MR. PINKERTON: Object to the form.

2 THE WITNESS: I think we had a degree of  
3 confidence in running the equipment, some of our people  
4 did. Some of our people were new and did need better  
5 training.

6 We have a three-shift operation. I'm sure  
7 that the guy on first shift was competent. Probably the  
8 guy on second knew something. The guy on third  
9 probably -- maybe was not so competent.

10 Q. (By Mr. Harris) Can I -- is it correct, though,  
11 that you don't take any issue with his letter?

12 MR. PINKERTON: Again, I object to the  
13 form.

14 THE WITNESS: Like I said, I don't know  
15 what -- for sure what he meant or what his goal was, what  
16 he was trying to do. I think I do, but I don't really  
17 know.

18 Q. (By Mr. Harris) Do you need to see the letter  
19 or do you know the letter I'm talking about?

20 A. I believe I have seen the letter before.

21 MR. HARRIS: Here is a copy of the letter.  
22 I don't know whether I can get multiples or not.

23 MR. PINKERTON: Let me just see the date of  
24 it, see which one it is.

25 MR. HARRIS: Do you have another one?

1 MR. WILSON: Yeah, the other copies I have  
2 have the wrong Bates number on them, but you can see the  
3 text.

4 MR. PINKERTON: That's fine.

5 MR. HARRIS: Boy, you're really giving them  
6 a lot of gravy, both of them you're giving a copy.

7 MR. PINKERTON: Most gracious.

8 MR. HARRIS: Steve is a good guy.

9 MR. PINKERTON: Sometimes.

10 Q. (By Mr. Harris) This document is marked  
11 PRI00343, agreed?

12 A. Uh-huh.

13 Q. Please say yes.

14 A. Yes.

15 Q. And take as long as you like looking at it, but  
16 I do draw your attention first and perhaps most of all to  
17 the very first sentence, and I'll read it, "We keep  
18 having trouble every time we start up the EZ Coater."

19 A. That was true. We had problems with the  
20 start-ups.

21 Q. And then in, you know, as opposed to shifts,  
22 talking about shifts, he says, "All of our people say  
23 they have never been trained on the equipment and have to  
24 call you when they use it."

25 A. Well, apparently Jesse was frustrated and felt

1 that we were not trained adequately.

2 Q. Well, do you disagree with that?

3 A. I don't disagree with that, no.

4 Q. So it's fair to say you certainly didn't know  
5 how to use the EZ Coater the very first time it was used,  
6 isn't it?

7 MR. PINKERTON: Object to the form.

8 THE WITNESS: I would say that's correct,  
9 yeah.

10 MR. HARRIS: Do we have a number? Do you  
11 know where we stopped, John.

12 MR. PINKERTON: No, I don't.

13 MR. WILSON: I think the last exhibit was  
14 5B.

15 MR. HARRIS: While we're trying to figure  
16 this out, would you look back to the point where I was  
17 being castigated as the bad guy because of my awful  
18 abrasive voice and see what the question was, because I'm  
19 darn sure going to press the question if I didn't get it  
20 answered.

21 MR.

22 THE COURT REPORTER: Question: Is it fair  
23 to say your testimony has been and your view is that you  
24 and Jesse Williamson worked together at the time that you  
25 had the concept of this invention; is that correct?

EXHIBIT 5B

1 Answer: Yes, sir.

2 Question: And that it occurred after he  
3 had come back from Germany; is that correct?

4 And that's where we have an objection.

5 MR. PINKERTON: That's not it.

6 MR. HARRIS: Well, did he give an answer?

7 THE COURT REPORTER: There's no answer, no.

8 MR. HARRIS: Okay. Well, then that's the  
9 question.

10 Would you read back the question there?

11 THE COURT REPORTER: Question: And that it  
12 occurred after he had come back from Germany; is that  
13 correct?

14 THE WITNESS: That's correct.

15 (Discussion off the record)

16 (Deposition Exhibit 6 marked)

17 Q. (By Mr. Harris) And just to key these in  
18 together, the Bates number PRI00344 that we have just  
19 been discussing on the record has now been marked  
20 Exhibit 6, agreed?

21 A. Yes, sir.

22 Q. Thank you. By the way, as to that exhibit, does  
23 it appear to you to be an authentic copy of a memo or a  
24 letter coming from your company and going to PRI?

25 A. Yes, sir.

1 Q. And does that, as far as you can tell, appear to  
2 be an authentic signature or mark by Mr. Williamson?

3 A. Yes, sir.

4 MR. PINKERTON: It was printed on there  
5 with the lithoflex process.

6 MR. HARRIS: Maybe.

7 Q. (By Mr. Harris) Did Jesse Williamson tell Jerry  
8 Williamson about the 363 invention back in 1992, to the  
9 best of your knowledge?

10 A. Yes, sir, I believe so.

11 Q. Is Jerry Williamson trained as a lawyer?

12 A. He has a law degree from Southern Methodist  
13 University.

14 Q. When did you first tell the patent attorney who  
15 prepared the patent application for you about your  
16 invention of the 363?

17 A. I believe we began those discussions in early  
18 '95, I think, January maybe.

19 Q. If I told you that prior testimony, best I could  
20 make out of it, it was January, would that sound about  
21 right?

22 A. Yes, sir.

23 Q. And did you do all of your dealings with Al --

24 MR. PINKERTON: Al Hall.

25 Q. (By Mr. Harris) -- Al Hall?

FOOTNOTES

1 A. Yes, sir.

2 Q. And it's true that you filed in mid August  
3 of '95, isn't it?

4 A. Yes, sir.

5 Q. Do you know any particular reason that there was  
6 a lapse of -- from January to mid August before the  
7 filing occurred?

8 MR. PINKERTON: Object to the form.

9 THE WITNESS: During that period we were in  
10 the process of removing seven older presses and putting  
11 in five new presses. Now, during the January to August,  
12 I believe we pulled out three presses and put in two or  
13 three presses, so we were quite busy with that and trying  
14 to keep the work flowing through the plant. We did a  
15 major overhaul of the pressroom and just a lot of things  
16 going on, a lot of business.

17 Q. (By Mr. Harris) Well, I'm not sure I -- let me  
18 try it again.

19 Are you telling me you were preoccupied  
20 with these other things and couldn't really follow up on  
21 the application over that period of time?

22 A. Yes, sir.

23 Q. Do you recall if you had any drawings or prints  
24 or other materials from PRI to pass on to the attorney to  
25 assist him in preparation?

1           A.    I think there was one little drawing of a  
2 computer printout or something like that we passed on, I  
3 believe.

4           Q.    Computer printout of what, could you help me?

5           A.    Of the coating unit sitting on a Heidelberg  
6 printing unit.

7           Q.    Is there something similar or a likeness to that  
8 that appears in the drawings of the 363 patent?

9           A.    I believe so.

10          Q.    Is that figure two?

11          A.    I'm not certain about the figure, but I think it  
12 is.

13                   MR. HARRIS:  You know what it looks like.

14                   MR. PINKERTON:  Sure, no problem.

15                   MR. WILSON:  It's Exhibit 1 that was marked  
16 earlier.

17          Q.    (By Mr. Harris)  I'm informed that was marked as  
18 Exhibit 1 earlier.  And my question is:  Was it figure  
19 two?

20          A.    Yes, sir.

21          Q.    Can you describe the tests that were performed  
22 in Heidelberg, Germany in 1995?  I believe January was  
23 what we established.

24          A.    Yes, sir.  We sent film to Germany of at least  
25 two test sheets, I believe, having mostly metallic



1 subject matter on those, and the people at Heidelberg,  
2 Germany, their demonstration floor prepared printing  
3 plates and they prepared flexographic plates for both the  
4 gold and silver image.

5 Some of these WIMS subject matter required  
6 a gold and silver and some of them were gold or silver, I  
7 believe, and so we tested the -- first the Wolstenholme  
8 coatings and ran the flexographic, their chambered doctor  
9 system at the end of press, ran sheets through that and  
10 looked at the coverage of the Wolstenholme product and  
11 decided it was not what we wanted and the Germans had  
12 some, I believe, Eckert coatings that they put on the  
13 gold.

14 And then we ran those sheets through the  
15 five-color press they had there on the floor, ran a  
16 substantial number, 2 or 3,000 sheets, I believe, of two  
17 different flexographic plates. Somehow or another they  
18 did not get the silver plate, I don't believe, kind of  
19 vague on that, but they then let the material dry and ran  
20 it back through, placing the process images in  
21 integration with the gold images on the sheet.

22 Q. This was the two-pass operation, wasn't it?

23 A. Yes, sir, that's correct.

24 Q. And when you say end of press you're talking  
25 about the far end of the press and not the introductory

1 end of the press?

2 A. Yes, sir, the delivery end of the press.

3 Q. I think I'm learning some terminology here. You  
4 say the delivery end of the press?

5 A. Yes, sir, as opposed to --

6 Q. Is that where the printed material is delivered,  
7 the end product is delivered, is what you meant?

8 A. Yes, sir, that's correct, as opposed to the  
9 feeder --

10 Q. Okay.

11 A. -- which the new, the raw stock comes out of it.

12 Q. The feeder is the other end?

13 A. Yes, sir.

14 Q. Were you present?

15 A. Yes, sir.

16 Q. Was Jesse Williamson present?

17 A. Yes, sir.

18 Q. Anybody else from your company?

19 A. Jerry Williamson was there. That was the --  
20 myself, Jerry, and Jesse were the three from Williamson  
21 Printing.

22 Q. Was the whole purpose of the trip to do this  
23 test?

24 A. That was the bulk of it, although we were  
25 looking at other features, the press that we eventually

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1                   Was that the first time that you had.  
2 performed a two-pass test?

3           A.    Yes, sir, I believe so.

4           Q.    Did using the flexographic step first produce  
5 better results than your way of printing metallics with  
6 WIMS?

7           A.    Than printing conventional lithography?

8           Q.    WIMS. You didn't consider WIMS conventional,  
9 did you? I thought it was an invention.

10          A.    No, you are talking about the --

11          Q.    Let me try it again. Did using a flexographic  
12 step, for example, as done in Germany in January  
13 of '95 --

14                   MR. PINKERTON: End of press?

15                   MR. HARRIS: Yeah, right, end of press.

16          Q.    (By Mr. Harris) -- produce better results than  
17 your old way of printing metallics with WIMS?

18          A.    Yes, sir.

19          Q.    Did do a better job?

20          A.    Yes, sir.

21          Q.    Up until the test at Heidelberg did you have any  
22 proof, as you believe proof to be, that printing flexo  
23 before litho would produce good results?

24                   MR. PINKERTON: Object to the form.

25                   THE WITNESS: I don't believe so.

FOOTNOTES: 9/9/95

1 Q. (By Mr. Harris) Where is Gary Dowdy presently  
2 employed?

3 A. I'm really not sure, don't know.

4 Q. Was Gary Dowdy with the company or an associated  
5 company?

6 A. Yes, sir.

7 Q. Explain, please.

8 A. He was at Classic Color Corporation, which was a  
9 high-end color separation house that Williamson Printing  
10 owned, and he later left there and worked directly at  
11 Williamson Printing in the prepress area as a manager for  
12 a while.

13 Q. He left?

14 A. Yes, sir.

15 Q. When?

16 A. Some time, late '90s, maybe, I'm not sure, I  
17 think in the mid to late '90s.

18 Q. Do you know for what purpose he left?

19 A. No, sir, I don't.

20 Q. And what is it you think he is doing now?

21 A. I'm sure he works in some type of a prepress  
22 operation, but I just -- I can't recall where he went.

23 Q. He left under good circumstances, did he not?

24 A. I don't know. I really don't know. I was not  
25 involved.

1 Q. To whom did he report?

2 A. As manager of our prepress operation he reported  
3 to Jesse Williamson.

4 Q. Did you travel to Atlanta, Georgia in July of  
5 1994?

6 A. No, sir.

7 Q. Did you travel to Atlanta, Georgia in August of  
8 1994?

9 A. No, sir.

10 Q. Did you travel to Atlanta, Georgia in September  
11 of 1994?

12 A. No, sir.

13 Q. Did you travel to Atlanta Georgia in May of  
14 1994?

15 A. No, sir.

16 MR. PINKERTON: You've got one more there,  
17 don't you?

18 MR. HARRIS: No, I -- I do. I'm glad you  
19 reminded me of it. I almost passed it up. It's got two  
20 or three subparts.

21 Q. (By Mr. Harris) I would like for you, sir, to  
22 tell me as best you can the day-to-day details about your  
23 trip to Atlanta, Georgia in June of 1994. If you would  
24 like, I'll sort of lead with a different question.

25 What day did you arrive in Atlanta?

1           A.    It was a Saturday, and I believe that was the  
2   11th of June, I believe that's correct. We were at an  
3   all-day -- our senior management team has a business plan  
4   meeting, and we were planning for the new year prior to  
5   the year beginning July 1st.

6                   And Jesse and I left the meeting early,  
7   flew to Atlanta, took a shuttle or a cab over to a hotel  
8   that we had talked to Steve Baker about. He suggested we  
9   stay there because it was apparently handy to a couple of  
10  places he had suggested we go to observe Printing  
11  Research's equipment in use.

12                   And Sunday, that was --

13           Q.    Was that pretty much complete your activities on  
14  that first day?

15           A.    Yes, sir. We were -- it was in the evening when  
16  we got to the hotel. I think we had a bite at the hotel  
17  and hit the hay.

18           Q.    Who participated on that day, just the two of  
19  you together?

20           A.    Yes, sir.

21           Q.    And did anyone else join you before the end of  
22  the day?

23           A.    No, sir.

24           Q.    If there were any costs during that day how  
25  were -- let me put it differently. Who paid them?

1 A. Jesse would have. If the -- whatever it was, he  
2 would have paid.

3 Q. And on that particular day did you pay for  
4 anything at all?

5 A. I don't believe so.

6 Q. Did you have a car?

7 A. No, sir, not Saturday.

8 Q. Did you make phone calls in the course of the  
9 day that you recall?

10 A. I'm sure that I probably called home the last  
11 thing that evening before retiring, and I'm sure Jesse  
12 probably, as he usually does, made several calls.

13 Q. What about the next day? I gather that was  
14 Sunday from what you said, the next day, right?

15 A. Yes, sir. We were scheduled to meet Steve Baker  
16 that evening and go to super, so we had the hotel take us  
17 over to a car rental place and we rented a -- I remember  
18 it was a little LeBaron convertible, and me and Jesse got  
19 in that convertible and drove over Stone Mountain and  
20 took the little train ride around the base of the  
21 mountain there and observed that beautiful sculpture  
22 there on the side of that big -- Stone Mountain.

23 Then we came back to the hotel and we  
24 waited for Steve. Steve came that evening. He had a big  
25 Lincoln Towncar and we got in it, and we had picked some

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1 restaurant, I forget, out of -- somebody had in mind, I  
2 don't remember who suggested it, and we couldn't find it.  
3 We got lost. Finally late in the evening we stumbled  
4 upon, literally, a Morton's steakhouse and parked the car  
5 and you walk down there, it was just in a basement, and  
6 had a nice meal.

7 And as I recall at some point during the  
8 meal we talked to Steve about -- he had told us about  
9 several of the pieces of equipment we were going to look  
10 at and we talked to him about did they -- did Printing  
11 Research have a suitable retractable coater that used an  
12 anilox roller and a chambered doctor and we talked about  
13 our WIMS process and how we felt we could benefit if we  
14 had that kind of a system, but it would have to be  
15 available as an interstation device.

16 And he, as I recall, was quite excited  
17 about it and said he felt like that they could do that,  
18 that Printing Research could do that for us.

19 Q. Did -- let me try again. Do I understand you to  
20 say that it needed to be an interstation?

21 A. Yes, sir.

22 Q. And did you tell him it had to be retractable?

23 A. Yes, sir, that's one of the criteria.

24 Q. And is it true that in order to practice your  
25 invention one has to have a retractable interstation

1 device?

2 MR. PINKERTON: Object to the form.

3 THE WITNESS: That's one way it could be  
4 done, we felt the most practical way. You could have a  
5 dedicated coating unit. You could have a device that you  
6 literally bolted on, but it would be in the way of the  
7 operation of the lithographic press.

8 Q. (By Mr. Harris) It's true, isn't it, though, as  
9 far as a real illustration is concerned or a figure is  
10 concerned in your patent, the only thing illustrated is  
11 an interstation device that's retractable? That's true,  
12 isn't it?

13 A. That's true.

14 Q. And that is the principal means that is shown in  
15 your patent in order to accomplish the function that is  
16 needed in converting to a flexo unit, isn't it?

17 A. That's correct.

18 Q. And that device carries with it the doctor  
19 blade, chambered doctor blade system, does it not?

20 A. Yes, sir.

21 Q. And it carries with it the anilox roller, does  
22 it not?

23 A. That's true.

24 Q. And so the principal means to remove the anilox  
25 roller and the doctor blade system up out of the way is

1 the retractable item shown in figure two?

2 A. That's correct.

3 MR. HARRIS: I think I've worn myself out.

4 MR. PINKERTON: Let's take a short break.

5 VIDEOGRAPHER: We're off the record at

6 10:43.

7 (Recess taken)

8 VIDEOGRAPHER: We're on the record at

9 11:09.

10 Q. (By Mr. Harris) At the break we were talking  
11 about how your time was spent, your activities when you  
12 were in Atlanta during June of 1994. And we had talked  
13 about Saturday and Sunday, and so we're to Monday.

14 What happened on the third day, on Monday?

15 A. We -- Jesse and Steve Baker and myself departed  
16 our hotel and --

17 Q. What time?

18 A. I want to say probably 8:00 or 9:00 in the  
19 morning, pretty early.

20 Q. Did you have breakfast together?

21 A. I believe we did. I'm pretty sure we did, and  
22 we packed -- I believe we took our bags because we were  
23 going to stay at a hotel or motel closer to the airport.  
24 We were on the north side of Atlanta. I think the  
25 airport is southeast and we were on the northwest -- or

1 at any rate, I believe we took our bags and we drove  
2 around the beltway there, if you will.

3 Q. What car?

4 A. We were in the Lincoln Towncar.

5 Q. What did you do with the other car that you had  
6 rented?

7 A. I believe we took it back, and there was nobody  
8 there at the rental agency, and I think we just dropped  
9 it off. And I think they had a key box or something, I'm  
10 not -- I know -- it seems like there wasn't anybody there  
11 and we just dropped it off, locked it up, put the keys in  
12 a drop.

13 The -- we were in the Lincoln Towncar that  
14 Steve had rented, and so we drove around the beltway and  
15 headed west and we -- I think it was about 50 miles out  
16 west of Atlanta, seems like about due west on one of the  
17 main roads. I'm not sure whether there was an interstate  
18 or not, but we went to a James River plant that printed  
19 board like ice cream cartons and frozen food cartons of  
20 different shapes and descriptions.

21 They had a real elaborate line up of  
22 60-inch sheet-fed presses and -- it was a real mass  
23 assembly, real neat production system they had, I  
24 remember, and we were looking at the high velocity drying  
25 system on the -- that Printing Research built on the

1 60-inch presses, and the sales rep for the Atlanta area,  
2 a lady named Susan Siem, met us at this James River plant  
3 and she went with us as the -- I believe the pressroom  
4 manager took us through to the pressroom, and we were  
5 able to view the equipment and talk to the personnel on  
6 the presses about the effectiveness of this equipment,  
7 how it worked.

8 And it's kind of tucked away so you can't  
9 see it really, really good, but at any rate, we observed  
10 this high-velocity drying system. It was on, I think,  
11 the last two units, I believe, of a six-color, maybe the  
12 last three. It wasn't totally interstation.

13 And at some point there we left, headed  
14 back into Atlanta, stopped and had lunch, and we went to  
15 a commercial printing plant, and I can't think of the --  
16 I say commercial. They specialized in printing plastic.

17 And our goal there was to observe on a  
18 40-inch Heidelberg Speedmaster, Printing Research's cold  
19 UV drying system. They had a full inner deck and  
20 end-of-press UV or ultraviolet cure drying system. And  
21 we visited with those people.

22 I don't remember whether Susan Siem came  
23 with -- well, I'm sure she did. She knew everybody in  
24 Atlanta, or seemed to, in printing. So anyway, we  
25 visited with them for a good long while.

1 Q. Did she ride with you?

2 A. I think -- no, she was in her car, I believe  
3 because we --

4 Q. Did you have lunch?

5 A. Yes, we -- yes, sir, we had lunch.

6 Q. Was Susan Siem with you?

7 A. I'm pretty sure she stayed with us for that,  
8 yeah.

9 Q. Where did you have lunch?

10 A. I can't -- it was someplace near this plant. It  
11 was Tex-Mex, I remember that, but I can't remember the  
12 name of the place. I can't remember the name of the  
13 restaurant. It wasn't a chain or something like they  
14 have --

15 Q. They call that Tex-George.

16 A. Oh, okay. But it was okay. It wasn't as good  
17 as Tex-Mex in Texas.

18 Q. Okay.

19 A. But we had a good visit with these people. They  
20 had a fulfillment operation as well as -- you know, which  
21 is kind of warehouse distribution literature, stuff like  
22 that, that we also did. It was interesting to visit with  
23 them, and they had a good report on the effectiveness of  
24 this drying system with printing plastics. They seemed  
25 to print a lot of plastic on this 40-inch press.

1                   And we -- I think we wound the day up at  
2                   that point and went -- it seems to me like we checked in  
3                   near the airport, and I think I left the next day. And I  
4                   think Jesse stayed over to call on some customers. I'm  
5                   not sure when he came back. I don't think he and I came  
6                   back -- returned together. I think he stayed there to --  
7                   you know, we had customers in Atlanta we called on.

8                   Q.     Did you have a return ticket?

9                   A.     Yes, I'm sure I had to. I got back. And so  
10                  I --

11                  Q.     Is it one you paid for?

12                  A.     No, Jesse bought the tickets. I think he bought  
13                  the tickets on Saturday or before -- I don't remember  
14                  whether he -- I don't remember when we bought the tickets  
15                  really. He took care of it, I know that.

16                  Q.     You didn't spend even one measly dollar?

17                  A.     I got by pretty light, yes, sir.

18                  Q.     Huh?

19                  A.     I don't recall spending anything there. I think  
20                  I bought a -- out at Stone Mountain I bought a little  
21                  jelly jar in the shape of a peach and my wife still has  
22                  it. She likes it, for some reason. I think I bought  
23                  that, and that was the only thing I recall spending any  
24                  money on.

25                  Q.     What was it, now?

1 A. It was a little jelly jar in the shape of a  
2 peach for the peach state of Georgia.

3 Q. Does it come to you now what the name of the  
4 plant was that you visited other than James River?

5 A. I remember the pressman. There was a very -- as  
6 some good pressman are, he was a very articulate fellow  
7 and his name was Rocky, first name was Rocky, and I  
8 cannot, save my life, remember the name of that plant.

9 Q. Was that Rocky one, Rocky two, or Rocky three?

10 A. I don't remember.

11 Q. Well, let me just try a name out on you,  
12 American Graphics?

13 A. That was it, yeah, that was it.

14 Q. Do you remember any other names there other than  
15 Rocky?

16 A. Jesse talked to the plant manager and -- but I  
17 don't remember his name. I just remember the pressman  
18 was a very helpful nice fellow.

19 Q. Was Baker still with you?

20 A. Oh, yes, sir.

21 Q. He was driving?

22 A. Yes, sir.

23 Q. And Susan Siem may or may not have been with  
24 you; is that it?

25 A. I think she was with us through there, that



1 plant, but I don't remember for certain.

2 Q. Where did she finally go, as far as you know, or  
3 how did you become separated from her, is a better way to  
4 put it?

5 A. Well, she was in her car, so I suppose she -- I  
6 think she left after we -- in the parking lot when we  
7 left that plant, I believe she left at that point.

8 Q. What time of day was it?

9 A. It was late afternoon, I would say, about 3:00  
10 or 4:00, maybe a little later.

11 Q. Now, was it Monday that you visited the  
12 James River plant?

13 A. Yes, sir.

14 Q. Can you tell me more detail about your visit to  
15 the James River plant including anyone you remember?

16 A. I don't remember the gentleman who was the  
17 pressroom manager, but I remember we met up front in the  
18 reception area and he took us back and it was a -- like I  
19 said, it was a real neat plant set up for production.  
20 They loaded the skids up in an interesting rack system  
21 after the delivery end of the press where they would  
22 first in, last out and -- or first in, first out, I  
23 guess -- no.

24 But they went on down and they had a wax  
25 unit and there was a big flame about this wide where this

1 60-inch sheet would go through and heat -- the wax went  
2 on this -- it was ice cream cartons. It was real  
3 interesting the way they produced those. I remember  
4 that.

5 And then past that the skids were skidded  
6 up and then I believe the dye cutting for the cartons was  
7 in another -- another room, I believe.

8 Q. No names come to mind?

9 A. No, sir, I don't remember that.

10 Q. When you got back to Dallas did you call Steve  
11 Baker?

12 A. I'm sure we did because we had talked about  
13 several different pieces of equipment. He may have  
14 called us.

15 Q. This is a point of logic you're using to tell me  
16 that, correct?

17 A. Yes, sir.

18 Q. How did you get to the airport in Atlanta?

19 A. Well, Steve took us to a hotel near the airport,  
20 and I believe I just took a shuttle over there the next  
21 day. I think I came back Tuesday.

22 Q. Tuesday?

23 A. Yes, sir, I believe that's right.

24 Q. Did you have any kind of follow-up contact with  
25 Susan Siem, for example, a call or a letter?

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1 A. I don't recall doing so.

2 Q. When was your Heidelberg seven-color press  
3 installed and started up?

4 A. I believe September or October. It may have  
5 came in in September and we got it running in October, I  
6 believe.

7 Q. I have information that you have a letter in  
8 here, which is not too important, generally, but which  
9 indicates on 10-14-94 you were saying that the Heidelberg  
10 seven-color had installation and start up with the  
11 smoothest in my 20 years with the company. And that was  
12 10-14-94, and that's consistent with what you're telling  
13 me, isn't it?

14 A. Yes, sir.

15 Q. That it was September or October?

16 A. Yes, sir.

17 Q. Of '94.

18 A. Uh-huh.

19 Q. Now, on a Heidelberg press a coating tower is  
20 not the same by any means as a printing tower, is it?

21 A. Yes, sir, that's correct.

22 Q. Why is Heidelberg offering information about  
23 flexo type plates for a coating tower in correspondence  
24 with you?

25 MR. PINKERTON: Objection to the form.

1 THE WITNESS: Well, it wouldn't be unusual  
2 to take an aqueous coating and spot coat that, which  
3 would require the flexographic plate as opposed to just  
4 using a printing blanket.

5 Q. (By Mr. Harris) Where would you -- where would  
6 you put the flexo type plates for the coating tower?

7 A. It would be mounted on what would be the blanket  
8 location of the tower coater.

9 Q. Why would Heidelberg be offering information to  
10 you about a chambered doctor system for a coating tower?

11 MR. PINKERTON: Object to the form.

12 THE WITNESS: That was an option that was  
13 offered on their presses at that time.

14 Q. (By Mr. Harris) And is that a chambered doctor  
15 system similar to that that's utilized on the coater that  
16 comes from PRI?

17 A. Similar, yes, sir.

18 Q. Do you think they're just offering it so  
19 potential customers will understand, is that the point?

20 A. It was an option with their tower coater system  
21 to either accept the standard two-roll coating system or  
22 to -- for them to install an anilox roller with a  
23 chambered doctor.

24 Q. It's fair to say, is it not, that you can't  
25 practice your 363 invention or process with the

1 flexography being laid down in the first coating tower?

2 A. That would be fair to say.

3 (Deposition Exhibit 7 marked)

4 Q. (By Mr. Harris) I have provided you with  
5 Exhibit 7, what's been marked that way, which is Bates  
6 number W000298, agreed?

7 A. Yes, sir.

8 Q. Can you tell me what this is?

9 A. It's a letter from Bob Boyer, who is the  
10 regional manager of Heidelberg USA at this time in  
11 November the 8th, 1994, to Jerry and Jesse Williamson.

12 Q. And does it relate to what we have been  
13 discussing?

14 A. Yes, sir.

15 Q. Did you, as in the second paragraph, place an  
16 order immediately for the special plate clamps?

17 A. I don't believe we did.

18 Q. Did you ever get such plate clamps?

19 A. Yes, sir.

20 Q. And how have you utilized them?

21 A. They were installed on the third press we put on  
22 our floor, the new press, the so-called LYL press on both  
23 towers. It featured two tower coaters.

24 Q. I see. An intermediate tower, but not a coater;  
25 is that right?

1 A. Yes, sir, there was a drying -- so-called drying  
2 stub.

3 Q. You are copied on this letter, right?

4 A. Yes, sir.

5 Q. Does it have anything at all to do with the 363  
6 invention?

7 A. Well, the demonstration that Bob suggested of  
8 the chambered doctor system we said would be a real  
9 opportunity to practice that, be it an off-line or  
10 two-pass method, and once we received this we began  
11 putting film in plates -- or film to make plates together  
12 and preparing to do a test in Germany.

13 As it turned out, this December 10th, '94  
14 date fell through and we didn't go to Germany until mid  
15 January.

16 Q. Okay. So this was a precursor or leads up in  
17 one way or another to your January trip, right?

18 A. Yes, sir.

19 Q. In '95, January of '95?

20 A. Yes, sir.

21 Q. And that was a two-pass and not an in-line,  
22 wasn't it?

23 A. Yes, sir.

24 Q. Okay. Isn't it true that you were doubtful that  
25 you could utilize a one-pass system at the time that you

1 were following up on the two-pass, that there was doubt  
2 in your mind?

3 MR. PINKERTON: Object to the form.

4 THE WITNESS: No, sir, not at all.

5 Q. (By Mr. Harris) Then why did you do the  
6 two-pass?

7 A. It was expedient to do so. It would give us  
8 some pretty sheets to look at and say this is what we're  
9 going to do once we get the various apparatus in place to  
10 do the -- do our invention.

11 Q. Sir, I want to be sure I understand. Are you  
12 telling me that you knew that this was going to work just  
13 fine, but that you went ahead and went to the trouble of  
14 doing the two-pass anyway?

15 A. That's correct.

16 Q. And is that the only explanation you have of  
17 why?

18 A. Well, as suggested here, of course, the  
19 demonstration of their chambered doctor system was part  
20 of the test, too.

21 Q. Well, is that one of the reasons, too?

22 A. That was one of the reasons, to see how their  
23 system worked.

24 Q. Well, did you think that you might somehow  
25 utilize their system then instead of going forward with

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1 your intention?

2 A. If they would agree to build a tower coater just  
3 after the feeder upstream, that would have been a  
4 possibility.

5 Q. Did you discuss that with them?

6 A. There was some discussion about that.

7 Q. Who did you discuss it with?

8 A. I believe their technical man, Peter Schwaab, I  
9 believe we might have discussed that with him, and their  
10 demonstration floor guy, Klaus Sauer. I think their  
11 reaction was they had never done that and they would be  
12 reluctant to do so, was their -- the Germans are very  
13 conservative, and they just didn't seem to have any  
14 interest at all in doing that at that time.

15 (Deposition Exhibit 8 marked)

16 Q. (By Mr. Harris) Sir, I placed before you  
17 W000299, which has been marked Exhibit 8, agreed?

18 A. Yes, sir.

19 Q. Is it your understanding that this particular  
20 letter refers back to a 10-26-94 letter from John Downey  
21 or Dowey -- how is it?

22 A. Dowey, yes, sir.

23 MR. PINKERTON: Object to the form.

24 THE WITNESS: Yes, a letter or memorandum  
25 from John Dowey is mentioned. That would be from John



1 Dowey in Atlanta to Bob Boyer, I believe, maybe it was  
2 Bob Emrick, but that is mentioned, that memorandum is  
3 mentioned. And Jerry is asking us about the logic for  
4 putting the clamps, plate clamps on our tower coater or  
5 coating tower.

6 Q. (By Mr. Harris) And plate clamps for a coating  
7 tower would not allow you to lay down flexo followed by  
8 litho in a single pass, would it?

9 MR. PINKERTON: Object to the form.

10 THE WITNESS: No, the plate clamps were to  
11 facilitate a better registration of the flexographic  
12 plate.

13 Q. (By Mr. Harris) Would no be a fair answer?

14 MR. PINKERTON: Object to the form.

15 THE WITNESS: I didn't understand the  
16 question, apparently.

17 MR. HARRIS: Would you read back the  
18 question, please? I'm not sure I can restate it?

19 (Requested text read)

20 MR. PINKERTON: I object to the form and  
21 object to the interruption of the witness giving an  
22 answer.

23 THE WITNESS: No would be correct in that  
24 respect.

25 Q. (By Mr. Harris) And would you like to add

1 anything to that because your counsel is all jumping  
2 around over there --

3 MR. PINKERTON: Not wildly.

4 Q. (By Mr. Harris) -- worried that you haven't  
5 gotten to say what you want to say?

6 A. Well, these plate clamps were for an  
7 end-of-press tower coater. They were to facilitate a  
8 better registration of the flexographic plate mounted on  
9 the blanket cylinder of the tower coater. You've got to  
10 remember that prior to DRUPA in 1995, May of '95, all  
11 Heidelberg presses that had tower coaters on them, all of  
12 the rest of the printing units had to be registered to  
13 the tower coater. This was painful. It could be  
14 bothersome.

15 These plate clamps were a half measure to  
16 improve that making it easier to get fit registration  
17 between the images on the tower coater and rest of the  
18 images printed by the press. That was fixed in '95. The  
19 new machines you were -- you could register them just as  
20 a printing unit, unit-to-unit color-to-color, color to  
21 the tower coater.

22 Q. Does that pretty well cover the subject?

23 A. I guess so.

24 Q. And it's still a fair answer to the question  
25 itself, no, isn't it?

1 A. On this particular tower coater, yes, sir,  
2 that's correct.

3 Q. Okay.

4 (Deposition Exhibit 9 marked)

5 Q. (By Mr. Harris) W000256 has been marked  
6 Exhibit 9 and you are holding it, correct?

7 A. Yes, sir.

8 Q. And this is the letter that's referred to in  
9 Exhibit 8, isn't it?

10 A. I believe so.

11 Q. And John Dowey at that time was with the  
12 company -- Dowey?

13 A. With Heidelberg.

14 Q. With Heidelberg, I'm sorry. I was mixed up.  
15 With Heidelberg?

16 A. Yes, sir.

17 Q. And who is Hans Peetz-Larsen?

18 A. At that time he was president of Heidelberg USA.

19 Q. Is he not still?

20 A. No, sir, he is the president of Heidelberg  
21 America. He got a promotion.

22 Q. That's a different company?

23 A. Well, it's Canada and Mexico included.

24 Q. I see.

25 A. Bigger territory.

TOP SECRET

1 Q. At times an LYL type of printing unit or a  
2 Heidelberg press that has the LYL is called a triple  
3 tower press, isn't it?

4 A. Yes, sir.

5 Q. And as we talked previously, two of those are  
6 coating towers and an intermediate one has to do with  
7 drying?

8 A. Yes, sir.

9 Q. In order to practice the 363 process, that is of  
10 your invention, does one have to apply sealer over the  
11 flexographic printing before printing lithographically?

12 A. No, sir.

13 (Deposition Exhibit 10 marked)

14 Q. (By Mr. Harris) Now, you have W000301 marked  
15 Exhibit 10, do you not?

16 A. Yes, sir.

17 Q. And my question on it is really very simple. It  
18 is a company memo, is it not?

19 A. Yes, sir.

20 Q. And the second part of the question is: This  
21 really doesn't have anything to do with the 363?

22 MR. PINKERTON: Objection to form.

23 Q. (By Mr. Harris) This doesn't have anything to  
24 do with the 363, does it?

25 MR. PINKERTON: The witness needs to have

1 an opportunity to read the document, Counsel, before he  
2 answers it.

3 MR. HARRIS: I'm not asking him to answer  
4 it before that. Why in the world are you saying such a  
5 thing?

6 MR. PINKERTON: I thought you were trying  
7 to rush him.

8 MR. HARRIS: Well, you often misjudge me.

9 MR. PINKERTON: If I did, I apologize, but  
10 he needs to have a fair opportunity to read the document.

11 THE WITNESS: On page two, paragraph four,  
12 would reference that.

13 Q. (By Mr. Harris) Well, you wouldn't be applying  
14 anything by lithography in four, would you?

15 A. That's the -- yeah, I see. This has reference  
16 with the technique we were using on the two towers.

17 Q. So now if I went back to my question if it has  
18 anything to do with the 363, would you give me an answer?

19 MR. PINKERTON: Object to the form of the  
20 question. He needs to review the document. I don't  
21 think he's had time to fully review it.

22 MR. HARRIS: He got all the way down to  
23 four on the second page.

24 MR. PINKERTON: He skipped through the  
25 first page.

1 THE WITNESS: I guess paragraph six on the  
2 first page has to do with that.

3 Q. (By Mr. Harris) I'll take the look at it.

4 A. Where it talks about putting flexo metallics or  
5 some other PMS colors on one of the printing towers and  
6 having -- using the plate clamp system to better bring  
7 into registration a flexographic plate mounted on the  
8 blanket cylinder.

9 Q. So six describes your invention; is that right?

10 MR. PINKERTON: Objection to the form of  
11 the question.

12 THE WITNESS: No.

13 Q. (By Mr. Harris) What?

14 A. It doesn't describe our invention. It just  
15 talks about a portion of it where we would have a better  
16 method of registering a flexographic printing plate on  
17 the blanket cylinder of one of the printing units of one  
18 of our multicolor presses that's needed to bring that  
19 unit into registration with the other colors to be  
20 applied downstream.

21 Q. Well, which one of -- it doesn't say which one  
22 of the units, either, does it?

23 A. No, sir.

24 Q. It could be the last unit. What do you call it,  
25 the delivery unit?

1 A. It could be a unit near the feeder or delivery.

2 Q. The feeder or it could be the delivery, right?

3 A. Uh-huh.

4 Q. All right. Let me try the question a little bit  
5 different. Except in most general form, this doesn't  
6 have anything to do with the 363 patent, does it?

7 MR. PINKERTON: Object to the form of the  
8 question.

9 THE WITNESS: Except in general, I would  
10 say so, it doesn't have.

11 Q. (By Mr. Harris) I think I'll take a minute  
12 more. In great detail describe what Exhibit 6 means and  
13 relate it to your invention.

14 A. Well, we're talking about running metallic ink,  
15 flexo or PMS colors on one of the printing units, and we  
16 asked Heidelberg, John Dowe specifically, about their  
17 plate clamp system, which could be installed on the  
18 blanket cylinder in lieu of the standard blanket reel  
19 lock up, and it would let you register a flexographic  
20 plate of whatever type you might want to mount on there,  
21 it would let you bring that into registration with the  
22 other colors in that multicolor printing press.

23 Q. Would you describe the locations and the  
24 relative manner of printing to me?

25 A. Well, to do the 363 we'd obviously want it

1 upstream several, at least four or five, of the printing  
2 units.

3 Q. And if you didn't, where would you put it?

4 A. What? Beg your pardon?

5 Q. You conditioned your answer on the 363.

6 A. Uh-huh.

7 Q. Instead of making it fit the 363, tell me  
8 necessarily which unit it's put on?

9 MR. PINKERTON: Object to the form of the  
10 question.

11 THE WITNESS: Well, I just stated here just  
12 one of the printing units.

13 Q. (By Mr. Harris) Any one?

14 A. I did not -- this is not specific.

15 Q. Okay. And so I'm afraid I'm being repetitious  
16 here, but to be sure what we're talking about, if it were  
17 the -- what do you call it, the delivery unit, that's the  
18 last one?

19 A. Uh-huh.

20 Q. It certainly wouldn't be the 363, would it?

21 A. No, it would not.

22 Q. All right. And by the way, it doesn't say which  
23 one, does it?

24 A. No, there is no unit specified.

25 Q. I have seen reference in a letter from you to

00331579E-051001



1 Jerry Williamson to a cartridge coater system. What do  
2 you mean?

3 A. I think that's referring to that chambered  
4 doctor anilox roller system that actually Printing  
5 Research had a device that, for lack of a better, it was  
6 kind of a -- I would refer to it as a cartridge. I think  
7 their original EZ Coater was slipped up under the  
8 delivery end of the press and they created a cylinder to  
9 apply coatings against using the delivery drum, if you  
10 will, to apply coatings with.

11 And that -- it would -- to me it was  
12 always -- it looked kind of like a little -- it was like  
13 a little cartridge.

14 Q. I see.

15 A. Just for lack of a better description.

16 Q. Would that have been one of the series of the  
17 EZ Coater, cartridge coater system?

18 A. Yes, sir.

19 Q. Okay.

20 (Deposition Exhibit 11 marked)

21 Q. (By Mr. Harris) Exhibit 11, W000340, is before  
22 you now. Could you tell me in a general sense what it  
23 is?

24 A. It's an internal memorandum from me to Jerry  
25 Williamson responding to some questions he had regarding

1 several items. I need to read it through a little more  
2 thoroughly.

3 Q. Certainly.

4 A. I think I have read it through.

5 Q. Directing your attention to paragraph two, is  
6 that where you make your reference to the cartridge  
7 coater?

8 A. Yes, sir.

9 Q. And what you just described was the type of an  
10 apparatus that that makes reference to?

11 A. Yes, sir.

12 (Deposition Exhibit 12 marked).

13 Q. (By Mr. Harris) When you have been over it to  
14 where you are familiar with it and ready, I have a  
15 question or two. Let me know.

16 A. I think I have read this over.

17 Q. Okay. Have you ever seen this before?

18 A. I believe so, maybe in some of the discovery.

19 Q. Is this Exhibit 12 --

20 MR. PINKERTON: Uh-huh.

21 Q. (By Mr. Harris) -- which is PRI00699. Do you  
22 know what Exhibit 12 is or what it relates to?

23 A. It's apparently a report of a demonstration  
24 conducted by Printing Research at their -- on their press  
25 they have set up for testing, for demonstration.

1 Q. Were you connected with this some way?

2 A. Yes, I was.

3 Q. Explain to me.

4 A. Well, I sent, as noted here, sent a good deal of  
5 paper stock, some flexographic inks, opaque white  
6 specifically, I believe from Borden, and sent some of the  
7 Wolstenholme gold, and I believe silver -- gold and  
8 silver metallics, and the relief plates I sent over were  
9 the Cyril, DuPont Cyril, the polyfibron, one of their  
10 relief plates, which they had recommended for our use  
11 and a BASF relief plate recommended for use in our  
12 process.

13 Q. Were you aware of the fact that some so-called  
14 Rexham plates were also being used and those were being  
15 provided by Printing Research?

16 A. I don't recall that, no.

17 Q. You see the notation, don't you?

18 A. Yes, sir.

19 Q. And also that -- what's this Rexham  
20 pearlescents, what would that be?

21 MR. PINKERTON: If you know.

22 Q. (By Mr. Harris) If you know what that means?  
23 Forget the word Rexham, that's a company, I know.

24 A. Yeah, it's just a coating, some kind of a  
25 pearl-looking coating.

1 Q. So if one takes this literally, well, then there  
2 were some of your materials there and some of this  
3 so-called Rexham material there at the test, right?

4 A. Yeah, we sent over, looks like about four  
5 different coatings, and I guess we used some of the  
6 pearlescents, too.

7 Q. And did you go?

8 A. Yes, sir.

9 Q. And how was it conducted?

10 A. Well, we had an order of things we wanted to see  
11 demonstrated, and they mounted the various plates and  
12 demonstrated the capability of their equipment.

13 Q. Do you -- sorry, finish, please.

14 A. Our goal was to evaluate the different plates,  
15 especially which would print with the best resolution.  
16 And also the coatings, I wanted to evaluate the coatings  
17 from Wolstenholme and see how effective they were and how  
18 well we could -- the slurry we sent, as I recall, was a  
19 scratch and sniff garlic flavored, and it worked real  
20 well, but we didn't know how well that particular  
21 material would -- we knew that the metallic inks would  
22 and the opaque flexo inks would work.

23 Q. Whose writing is on this, do you know?

24 A. I don't know.

25 Q. Who was present at the test besides you?

1 A. Well, the pressman, a fellow named Terry  
2 Britton.

3 Q. With PRI?

4 A. Yes, and then I'm sure that probably John Bird  
5 and Steve Baker and Steve Garner.

6 Q. Okay.

7 A. And Mr. DeMoore.

8 Q. Wait a minute. When you say probably, you mean  
9 probably? You don't know; is that right?

10 A. Well, all of those guys were in and out, as I  
11 recall, and several more fellows there at Printing  
12 Research during the test.

13 Q. Who directed, if anyone?

14 A. Well, I was given instructions about what we  
15 wanted to see demonstrated to the pressman.

16 Q. Well, tell me, if you can, who wrote the purpose  
17 down here?

18 A. I don't know who did that.

19 Q. You see it here, apply metallic flexo type inks,  
20 including pearlescents between printing units and  
21 overprint with regular inks all in line, you didn't do  
22 that, did you?

23 MR. PINKERTON: Object to the form of the  
24 question.

25 Q. (By Mr. Harris) Read the purpose to yourself.

1 Have you read it?

2 A. Yeah, there was nothing printed between units.  
3 We used an end of the press plate blanket coater, a rack  
4 back device.

5 Q. So the purpose was not approached, was it?

6 MR. PINKERTON: Object to the form.

7 Q. (By Mr. Harris) You were there?

8 A. I don't suppose so.

9 Q. You said you were conducting it, didn't you, or  
10 directing it?

11 A. Well, what I wanted to see was the plates that  
12 we had sent over from Cyril or DuPont, BASF and  
13 polyfibron, wanted to see them demonstrated and see how  
14 they'd print, see what dots -- the finest dot it would  
15 reproduce and the -- what might -- in the shadow dots  
16 what might plug up with coating, and also I said this  
17 slurry and the opaque white, how strongly that could be  
18 applied.

19 We sent some rather dark-colored stock over  
20 to demonstrate that. Those were the things that I was  
21 interested in.

22 Q. Well, let's direct to the purpose again. I just  
23 want to be sure about this. I heard what you said and I  
24 understand what you were trying to do, I believe, but  
25 this purpose says apply metallic flexo type inks,

1 including pearlescents between printing units and  
2 overprint with regular inks all in line. That was not  
3 your objective, was it?

4 MR. PINKERTON: Object to the form of the  
5 question. Counsel, he didn't write the document and --

6 THE WITNESS: Yeah, I --

7 MR. HARRIS: Oh, come on, Counsel, you're  
8 just interfering.

9 MR. PINKERTON: I am? I mean, you're  
10 trying to get him to make something --

11 MR. HARRIS: You're just interfering.

12 MR. PINKERTON: Okay. I'm objecting to the  
13 form of the question. You're asking him to assume  
14 something that's not in evidence. You're asking about a  
15 document that he didn't write that you want his  
16 interpretation of. My objection stands.

17 MR. HARRIS: Fine. You get that struck at  
18 the trial. You have that right.

19 MR. PINKERTON: My objection stands.  
20 That's it. I'm objecting. Go ahead.

21 MR. HARRIS: You object too long and too  
22 loud.

23 MR. PINKERTON: I'm sorry. I happen to  
24 think it was appropriate.

25 THE WITNESS: I really don't know what this

1 purpose -- I don't know what -- like I said, I didn't  
2 write it, I don't know what the idea was.

3 Q. (By Mr. Harris) But you were the man that was  
4 directing the test, right?

5 A. The test that we observed, yes.

6 Q. Okay. And who wrote the purpose, you don't  
7 know?

8 A. No, sir.

9 Q. So you don't know who wrote the so-called  
10 purpose of the real test that you did?

11 MR. PINKERTON: Object to the form.

12 THE WITNESS: Well, our test was, like I  
13 said, to evaluate plates --

14 Q. (By Mr. Harris) I'm with you on that.

15 A. -- coatings.

16 Q. I'm with you on that. I was just surprised to  
17 see this language and I was trying to figure out where it  
18 came from?

19 MR. WILSON: We need to replace the tape in  
20 the video.

21 MR. HARRIS: Okay. You want to eat?

22 MR. PINKERTON: Yeah, we can take a break  
23 now if you want to, Bill.

24 VIDEOGRAPHER: We're off the record at  
25 12:07.



(Lunch recess)

VIDEOGRAPHER: We're on the record at 1:55.

(Deposition Exhibits 13-14 marked)

Q. (By Mr. Harris) You have been provided with  
W000346. Is that Exhibit 13?

A. Yes, sir.

Q. That is a memo of yours, is it not?

A. Yes, sir.

Q. And you can identify it, recall it?

A. Yes, sir.

Q. Looking at number four, only paragraph four.  
You can look at anything else you want to, but I'm  
directing your attention to four. It states, "I am  
working on a detailed report of the testing done at  
Printing Research," and it goes on, you see.

Did you complete such a detailed report?

A. Don't believe I did.

Q. We can't find one in the materials furnished. I  
just --

A. I have not found one in my records, either. I  
don't --

Q. You don't believe you completed it?

A. No, sir.

Q. Did you do a partial one?

A. Because of the work load and the press

1 installations, I failed -- and a trip to Germany in this  
2 same time frame, I did not do that.

3 Q. Speak of Germany, I now direct your attention to  
4 what has been marked as Exhibit 14, which is W000353.

5 MR. PINKERTON: I'm sorry, Bill, you are  
6 referring now to 14?

7 MR. HARRIS: I believe it's 14.

8 MR. PINKERTON: I think on the record we  
9 ought to just clarify, and you might want to ask Bill  
10 about this. The date on Exhibit 13 is incorrect. It's  
11 dated January 7, '94.

12 MR. HARRIS: Yeah, what is it? '95?

13 MR. PINKERTON: '95.

14 THE WITNESS: '95, yes.

15 Q. (By Mr. Harris) Is that correct, Mr. Davis?

16 A. That is correct. The proper date --

17 Q. It's '95 instead of '94 on Exhibit 13?

18 A. Yes, sir.

19 Q. Getting back to 14. Was it true that one of  
20 your objectives was to, quote, observe and note the test  
21 results, close quote, of a chambered doctor system test?

22 A. Yes, sir.

23 Q. And did the chambered doctor system test include  
24 printing flexo followed in a second pass by overprinting  
25 with litho?

TOGETHER

1 A. Yes, sir.

2 Q. Did you want to observe the -- talking about you  
3 personally, did you want to observe the gold and silver  
4 particle size and microns?

5 A. Yes, sir.

6 Q. Did you do so?

7 A. We tested a new coating that Wolstenholme had  
8 sent over from England. In fact, had been brought there,  
9 I believe, by Michael Yates and Steve Clark, and it was  
10 supposed to be of an increased particle size for added  
11 brilliance, and that was what we tested of the  
12 Wolstenholme material.

13 Q. Well, does the particle size in microns affect  
14 the print quality?

15 A. It can make the gold images on the sheet more  
16 brilliant, the larger chunks of metallic particles, gives  
17 an added brilliance to the gold coating that you are  
18 printing or in fact the gold ink if it were litho.

19 Q. So do you, Bill Davis, concern yourself with  
20 print quality when you test a process?

21 MR. PINKERTON: Object to the form.

22 THE WITNESS: Well, that one aspect, yes.  
23 In fact the Wolstenholme material did not test well. It  
24 didn't have enough small particles around the big  
25 particles, so you could see through it. It was too --

1 Q. I see.

2 A. Didn't test very well.

3 Q. Well, generalizing a bit more from that, do you,  
4 Bill Davis, concern yourself with print quality when you  
5 test a process?

6 A. That's one aspect that I would -- yes.

7 Q. Do you sometimes on occasion interchangeably use  
8 the phrases or terms printing and coating?

9 A. On occasion, yes, sir.

10 Q. And sometimes do you interchangeably use ink and  
11 coating?

12 A. We might as it pertains to flexographic ink or  
13 an aqueous coating.

14 Q. Did you testify previously that you told Michael  
15 Yates about your ideas for the 363 invention in the fall  
16 of 1992?

17 A. I don't recall Michael Yates visiting our plant.  
18 Harry Bowyer and Ronald McDonald did visit our plant.

19 Q. Would your answer -- I'm sorry. Are you  
20 through?

21 A. And your question was did I --

22 Q. Did you testify previously that you told Michael  
23 Yates about your ideas for the 363 invention in the fall  
24 of 1992?

25 A. I don't believe so, no.

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1 Q. And in any event, it's your now belief that you  
2 did not do that; that is tell Michael Yates?

3 A. I don't recall doing so, no.

4 Q. Did you in 1993 tell Michael Yates about the 363  
5 invention?

6 A. I don't recall doing that, no.

7 Q. Did you in '94?

8 A. Don't recall.

9 Q. Did you in '95?

10 A. Well, prior to our test in Germany we asked them  
11 to provide a coating for that test.

12 Q. That's the January of '95 test?

13 A. Yes, sir, so we would have had to pass that  
14 information. I believe the information got passed along  
15 probably through Harry Bowyer. The test we had run in  
16 the United States had utilized a coating made by M.D.  
17 Booth Company in Boston, and we worked with a fellow up  
18 there, Dick Marshall, at Harry's request, and they would  
19 send down -- they sent down the coatings for the test we  
20 did at Printing Research in late '94. So at some point  
21 we passed that information on, probably through Harry, to  
22 Michael.

23 (Deposition Exhibit 15 marked)

24 Q. (By Mr. Harris) Would you please review  
25 Exhibit 15, W000412, and identify it when you can with

1 some confidence.

2 A. This is a memorandum from me to Jerry Williamson  
3 and I copied Jesse Williamson, Bob Emrick, and Jim  
4 Johnson, just kind of an update on -- after our trip to  
5 Germany in January. This is February the 6th.

6 Q. Would you explain what you're talking about in  
7 number one? What is the point of paragraph number one of  
8 Exhibit 15?

9 A. Well, it was my feeling that -- first of all,  
10 the question about needing a chambered doctor system had  
11 to do, I believe, with getting a greater volume of  
12 coating down on one of our tower coaters. And my idea  
13 was to just add Printing Research's EZ Coater instead of  
14 converting over to Heidelberg's factory-provided coater.

15 The coater they provided was more  
16 expensive, one was thing. But it was -- you could change  
17 backwards and forth between the standard coater and the  
18 chambered doctor coater that they provided, but it was  
19 like a four-hour or five-hour proposition that was too  
20 slow. And there is some flexibility in just the little  
21 simple two-roll coating system that they have as compared  
22 to the anilox system.

23 With anilox you have to have a rack with  
24 expensive rollers in it and it's just a little -- the  
25 clean up is a little easier. It's a little simpler to

1 use than the chambered doctor system they offered, so  
2 just a --

3 Q. Now, the EZ Coater that you're talking about  
4 from Printing Research is not a coater that has the  
5 chambered doctor system or anilox; is that correct?

6 A. No, it would be -- it would have the --

7 Q. Well, I don't believe I understand. Do I have  
8 the two mixed up some way?

9 A. No. The idea was that rather than retro fitting  
10 a chambered doctor anilox system from Heidelberg, we  
11 could use a chambered doctor anilox system from Printing  
12 Research and still have the old coater. It was deployed  
13 on the downstream side of the tower and still leave in  
14 place the simple two-roll coating system originally  
15 provided on the tower coater by Heidelberg.

16 Q. Where was it contemplated under paragraph one,  
17 the subject matter under paragraph one, that the coater  
18 would be mounted, whether it be the Heidelberg coater or  
19 the EZ Coater?

20 A. It would be on a tower coater at the end of a  
21 press.

22 Q. What was the need for that equipment at the  
23 time?

24 A. I believe it was to get an additional volume on  
25 to the -- from the flexographic plate to the substraight.

1 Q. What did you ultimately do in follow-up to  
2 paragraph one?

3 A. I believe we did just as I suggested here,  
4 although I think it was some time later we did this  
5 technique on the first tower of our LYL press.

6 Q. What -- when we talk about the EZ Coater in this  
7 case, how was it configured? Was it a retractable type  
8 of a coater?

9 A. It would have been, yes, I mean, it was, in  
10 fact.

11 Q. Well, you got it, didn't you?

12 A. Yes.

13 Q. And it came from -- indeed it came from Printing  
14 Research?

15 A. Uh-huh.

16 Q. And it was one that they had been working on  
17 toward making an interstation, was it not?

18 MR. PINKERTON: Object to the form.

19 THE WITNESS: I believe so. I'm not sure  
20 what they'd planned.

21 Q. (By Mr. Harris) Why -- I'm wondering why you  
22 did not use it as an interstation coater at that time in  
23 accordance with your invention?

24 A. Well, I believe that it was communicated to us  
25 from Printing Research that to mount a coating unit, an



1 EZ Coater on the tower coater of -- the press we chose  
2 was our seven-color, our first press, it was expedient to  
3 have it on the tower coater because there was a good deal  
4 of work to be done once the very simple mechanism was  
5 placed on that press on the tower coater at the end of  
6 the press, and it just was easier to put it down there  
7 and prove up that it would work in that position against  
8 the blanket cylinder of that tower coater.

9 Q. And if you had used the Heidelberg chambered  
10 doctor system it would have been located in an analogous  
11 position, would it not?

12 A. It would have been located there at the tower  
13 coater.

14 Q. Same place?

15 A. Yes, true.

16 Q. And your desire under number one was not for an  
17 interstation at that time, was it, the need you were  
18 addressing under number one?

19 A. Well, the installation on a tower coater was a  
20 different matter. Later on we did employ this, but it  
21 was an issue of volume. But our first request had always  
22 been an interstation device.

23 Q. Number one does not talk about an interstation  
24 device, does it?

25 A. No.

1 Q. And number one is directed to an end type  
2 device, is it not, as far as its language is concerned?

3 A. Well, it mentions a tower coater, which that is  
4 assumed it would be at the end of the press.

5 Q. Is the relief plates a quite separate topic  
6 under paragraph two, what's it about?

7 A. Well, just a discussion about the relief plates  
8 that we had tested heretofore and the availability of the  
9 different -- the three different major brands that were  
10 available at that time.

11 Q. There is no particular relation between  
12 paragraph two and the 363 invention, is there?

13 MR. PINKERTON: Object to the form.

14 THE WITNESS: Well, the 363 requires a  
15 relief plate to do what we wanted to do with it.

16 Q. (By Mr. Harris) Well, let me try it a little  
17 bit differently. Under number two were you addressing  
18 the subject of relief plates for that purpose or for a  
19 different purpose?

20 A. Well, the relief plates we were testing was  
21 tested for that purpose, and this has to do with the way  
22 the plate is made so that it will be the correct  
23 measurement around the cylinder, if you will, it's very  
24 critical to fit the dots in the color process work, you  
25 have to have a good fit registration characteristic

1 around the cylinder. And that's what this discussion is  
2 about, is how to go about making a plate with using a  
3 rotary exposure unit so that we could accomplish that  
4 process.

5 Q. And that's true no matter where you mount the  
6 coater, isn't it?

7 MR. PINKERTON: Object to the form.

8 THE WITNESS: If you're trying to register  
9 to any other work before or after, that would be true, it  
10 has to fit.

11 Q. (By Mr. Harris) So while it has its aspect in  
12 the 363 it has general aspects also, does it not?

13 A. Yes, sir, that's correct.

14 Q. Who at Printing Research told you, Mr. Davis, to  
15 place the EZ Coater on your press rather than  
16 interstation on the last part of your press rather than  
17 interstation?

18 MR. PINKERTON: Object to the form.

19 MR. HARRIS: Is that clear? I kind of  
20 garbled it in the middle.

21 THE WITNESS: I'm not sure. Maybe  
22 John Bird, I'm not sure.

23 Q. (By Mr. Harris) You don't know?

24 A. That may have came through John Bird, I'm really  
25 not sure.

1 Q. You did understand the question? I sort of  
2 garbled it.

3 A. Yes, sir.

4 (Deposition Exhibit 16 marked)

5 Q. (By Mr. Harris) You have Exhibit 16, which is  
6 PRI00671?

7 A. Yes.

8 Q. Wait a minute. I've got that wrong.

9 MR. HARRIS: What's this say 14 on there  
10 for?

11 MR. WILSON: That's just somebody's  
12 marginalia on there.

13 MR. HARRIS: That's not significant?

14 MR. WILSON: Not as far as I know.

15 Q. (By Mr. Harris) I don't know whether or not you  
16 have had this particular memo before or seen it, have  
17 you?

18 A. I don't recall seeing this.

19 Q. If you'd look at -- what is B, press number  
20 three, is that one of your presses?

21 A. Yes, that was the LYL or so-called -- also  
22 called triple tower press.

23 Q. Is that the one that finally the EZ blanket  
24 coater was installed on?

25 A. Yes, sir.

1 Q. Would you look at that paragraph and tell me in  
2 accordance with your recollection if it was accurate?

3 A. What was the question as to the accuracy?

4 Q. In accordance with your recollection of the  
5 situation, at that time is that an accurate statement in  
6 the paragraph?

7 MR. PINKERTON: Even though he didn't write  
8 the document?

9 MR. HARRIS: Sure.

10 THE WITNESS: I don't really recall. I  
11 mean, the unit was not installed on one of our presses  
12 until later than March of '95. Some time at the end of  
13 February we installed an EZ Coater on the tower coater of  
14 our seven-color press, but I sure don't --

15 Q. You can't make this gel, then?

16 A. As far as the installation on the first tower or  
17 the triple tower press, that occurred some time later. I  
18 thought over in '96, maybe.

19 Q. Was the coater that was installed supplied by  
20 PRI?

21 A. Yes, sir.

22 Q. And it was the first -- and it was installed on  
23 the first coating tower of the LYL?

24 A. Yes, sir.

25 MR. HARRIS: Give me about five minutes. I

1 want to confer with my confederate here.

2 MR. PINKERTON: Okay.

3 VIDEOGRAPHER: Off the record at 2:27.

4 (Recess taken)

5 VIDEOGRAPHER: We're on the record at 2:55.

6 (Deposition Exhibits 17-18 marked)

7 Q. (By Mr. Harris) Mr. Davis, on what has been  
8 marked as Exhibit 17 and 18, which are respectively  
9 PRI00649 and PRI00637, I wanted to first ask you if you  
10 have seen these before or believe you have seen them  
11 before?

12 A. I think I have seen these.

13 Q. You what, sir?

14 A. Yes, I believe I have seen these.

15 Q. All right. Could you tell me what you believe  
16 Exhibit 17 to be?

17 MR. PINKERTON: Counsel, I'm going to  
18 object to you asking this witness these kind of questions  
19 about these documents. He didn't write this document.  
20 He got a copy of it.

21 MR. HARRIS: He just said he has seen it  
22 before.

23 MR. PINKERTON: He's seen them before,  
24 but --

25 MR. HARRIS: He's got a -- he's copied on

TOP SECRET

1 them.

2 MR. PINKERTON: I know, but for him to  
3 characterize them and --

4 MR. HARRIS: Okay. Well, you got your  
5 objection on the record.

6 MR. PINKERTON: Yeah, I object to it.  
7 Object to the form.

8 Q. (By Mr. Harris) Mr. Davis?

9 A. This is a letter from John Bird to Jerry  
10 Williamson dated May the 12th, 1995.

11 Q. And does it contain an attachment to it? I'm  
12 calling what is the third page stapled on here as an  
13 attachment.

14 A. Yes, sir.

15 Q. Do you believe that that's a part of it, an  
16 attachment to it?

17 MR. PINKERTON: Object to the form.

18 THE WITNESS: It's stapled to it and that  
19 appears to be so.

20 Q. (By Mr. Harris) And you do believe you have  
21 seen that exhibit?

22 A. I believe so.

23 Q. And it is a letter from Bird to Jerry Williamson  
24 of your company, right?

25 A. Yes, sir.

1 Q. Okay. Then referring to Exhibit 18, in turn,  
2 you were copied on it, were you not?

3 A. Yes, sir.

4 Q. Do you understand what this exclusivity  
5 agreement is that is referred to?

6 MR. PINKERTON: Object to the form.

7 THE WITNESS: I'm really not sure. There  
8 was some negotiations, apparently, that we did to have  
9 exclusive use of the EZ Coater for Williamson. And --

10 Q. (By Mr. Harris) And you were -- I'm sorry, go  
11 ahead, sir.

12 A. This was in some time in, it looks like mid  
13 1995.

14 Q. Do you know what duration that Williamson had in  
15 mind for such an agreement for such exclusivity?

16 MR. PINKERTON: Object to the form.

17 THE WITNESS: I'm really not sure. The  
18 details of some of this -- some of these documents, I'm  
19 really not sure of, no.

20 Q. (By Mr. Harris) Did you have anything to do  
21 with this -- it is a negotiation, is it not?

22 A. I guess it could be characterized as such.

23 Q. All right. Do you have another way to  
24 characterize it?

25 A. ) Not that I know of.



1 Q. Well, then using the term negotiation were you  
2 involved in the negotiation?

3 A. Not really. I think it was mostly Jerry and  
4 Jesse Williamson, probably that were most involved and I  
5 was more or less on the sidelines during that time.

6 Q. What do you recall from the sidelines?

7 A. I think it was just an attempt to be able to use  
8 the -- that EZ Coater system exclusively at Williamson  
9 for a period of time.

10 (Deposition Exhibit 19 marked)

11 Q. (By Mr. Harris) Mr. Davis, you have been  
12 supplied with what's been marked as Exhibit 19, it's  
13 PRI00673. If you are able to tell me what the subject of  
14 this exhibit is, I would appreciate it.

15 A. This is a, I guess, a report on a demonstration,  
16 some kind of a standard form that was reporting on a  
17 demonstration at Printing Research February the 13th,  
18 1995, looks like it's signed by Steve Baker.

19 Q. Do you have a recollection of such a test or run  
20 at PRI?

21 A. I believe so.

22 Q. What is it you remember, sir, and do look it  
23 over, if you would, please.

24 A. We had requested that M.D. Booth up in Boston  
25 make an improved coating after our test of the

FOOTNOTES

1 Wolstenholme material in Germany, which they're the same  
2 coatings in the U.S., they're sold under the name of  
3 M.D. Booth, at that time they were, and we -- it looks  
4 like we got in a supply of gold -- water-based gold  
5 coating and did some additional testing.

6 And I believe we did a test with a banded  
7 roller, which is an anilox roller that has different line  
8 screening, if you will, an anilox roller being a roller  
9 that has real finely engraved pits in it, and some of the  
10 pits were deeper than the others and bigger than the  
11 other, and I think that's -- we just wanted to look at a  
12 range there to get a better idea of what outcome might be  
13 for using a different range of screening on an anilox  
14 roller, just details.

15 Q. Why was this done by PRI?

16 A. Well, they had the chambered doctor system at  
17 the end of their little two-color test press, and we  
18 asked them to do that for us.

19 Q. What did they charge you for the job?

20 A. I don't believe there was any charges  
21 applicable.

22 Q. Earlier we talked about a report that was  
23 about -- about December the 20th. I can get the report  
24 if you'd like, but you and I discussed it at some length,  
25 do you recall?

1 A. Yes, sir.

2 Q. And it was a report that you pretty much  
3 supervised, right?

4 A. Yes, sir.

5 Q. Did you also supervise this one?

6 A. I believe so.

7 Q. All right. And what did PRI charge you for  
8 doing the test in December?

9 A. I don't believe there was any charges involved.

10 Q. Well, why did they do it?

11 A. I'm sure they were trying to demonstrate their  
12 product they had and was interested in selling it to us  
13 and demonstrating its capability.

14 Q. Did you not have any equipment at either one of  
15 these times to run these tests with it?

16 A. Didn't have a chambered doctor anilox coating  
17 system.

18 Q. And these tests were run with a long-range goal  
19 that related to your invention; is that true?

20 A. That is correct.

21 Q. And did both you and PRI know that?

22 A. I believe so.

23 Q. Even as they were doing the test in December and  
24 they were doing the test in February, you believe they  
25 knew that?

1 A. I believe they did, yes.

2 Q. But your goal was working towards the system and  
3 invention of the 363?

4 A. Yes, sir.

5 Q. Changing subjects. Is it a fact that no printer  
6 in the country has more advanced in-line coating  
7 capabilities than Williamson?

8 A. I don't know of any that do.

9 Q. You think that's a fact?

10 A. I think that's a fact.

11 Q. Is it a fact that Williamson has the most  
12 advanced coating capabilities in the country?

13 A. That's an assumption on my part, but I know we  
14 are -- we have capability.

15 MR. PINKERTON: Counsel, are these  
16 statements taken from some document or are you just  
17 asking these out of the blue?

18 MR. HARRIS: Well --

19 MR. PINKERTON: Is there some document he  
20 needs to refer to?

21 MR. HARRIS: I might have a document in a  
22 minute, but I want to ask some specific things first and  
23 then I'll make the document available to you if you'd  
24 like.

25 MR. PINKERTON: If you --

1 Q. (By Mr. Harris) Is it fair to say that  
2 Williamson's printing plant has only the finest  
3 equipment?

4 MR. PINKERTON: I'll object to -- if you're  
5 taking these statements out of a document, I'm going to  
6 object to not giving the witness the document to comment  
7 upon.

8 Q. (By Mr. Harris) Is it fair to say that  
9 Williamson's Printing plant has only the finest  
10 equipment?

11 A. I think our press room is one of the most modern  
12 in the United States.

13 Q. Well, is it fair to say that Williamson's  
14 Printing plant has only the finest equipment?

15 A. That would be a fair assumption.

16 Q. Would that have been true as of April of this  
17 year?

18 A. I believe so.

19 Q. When we were together before you stated or  
20 testified that Williamson has and still uses two EZ  
21 station -- I'm sorry -- two EZ interstation flexo  
22 printer/coaters?

23 A. Uh-huh.

24 Q. Made by Printing Research, that's true, isn't  
25 it?

1 A. Uh-huh.

2 Q. Would you say that equipment made by Printing  
3 Research is the finest in the world?

4 A. I couldn't say that about their equipment, no.

5 Q. So then you don't have the finest things after  
6 all?

7 A. Just that little small two pieces of auxiliary  
8 equipment. We have struggled with it and do have some  
9 problems when we utilize it on certain jobs.

10 Q. What about the drying equipment made by Printing  
11 Research that Williamson uses, is that the finest  
12 equipment in the world?

13 A. Their AB2 end-of-press infrared drying systems  
14 worked well for us. The UV system that we had on our  
15 triple tower press prior to trading it in did not work  
16 out so well. The cold UV system was not -- just didn't  
17 work out for our kind of work.

18 Q. Does Williamson have any other equipment made by  
19 Printing Research?

20 A. We have some exhaust hoods on the end of -- I  
21 believe three of our presses still have exhaust hoods  
22 made by Printing Research.

23 Q. Is it the finest equipment?

24 A. They work well, work just fine.

25 (Deposition Exhibit 20 marked)

1 Q. (By Mr. Harris) Exhibit 20 has been placed  
2 before you, and I don't have any particular question  
3 about it, but it is true that my questions came from that  
4 and I was checking out your belief about your equipment.

5 MR. HARRIS: I think I'm through, but I  
6 want to ask him --

7 MR. PINKERTON: I understand.

8 MR. HARRIS: I hate to take so many breaks,  
9 but this is the kind of break --

10 MR. PINKERTON: You want to take a break?  
11 You want us to leave?

12 MR. HARRIS: Yeah, long enough to talk and  
13 find out if I have any more questions.

14 VIDEOGRAPHER: We're off the record at  
15 3:14.

16 (Recess taken)

17 VIDEOGRAPHER: We're on the record at 3:32.

18 THE WITNESS: It looks like material  
19 collected by Jesse Williamson on the 1992 trip, I'm not  
20 sure but there is literature in here from MAN-Roland and  
21 some other suppliers we do business with, Carlsfield, I  
22 believe, was also in there, which -- they made these  
23 high-end scanning devices used for color separations  
24 until the desktop computers put them out of business, but  
25 I guess that would be Mr. Williamson's, I'm not sure.

1 MR. HARRIS: Can you add to it?

2 MR. PINKERTON: It's from the trip to  
3 Germany in May of '92.

4 MR. HARRIS: Do you know who did the leg  
5 work on the --

6 MR. PINKERTON: Gary Dowdy did. Dowdy put  
7 it together, Gary Dowdy.

8 MR. HARRIS: Okay.

9 MR. WILSON: Read the Bates numbers, just  
10 for the record.

11 MR. HARRIS: The first Bates number, maybe  
12 or something. W004255, and I don't know, you want to put  
13 the last one?

14 MR. WILSON: Looks like there's inserts in  
15 the notebook that go all the way to W004602, and if you  
16 would like we could have an exhibit from just sort of  
17 the -- notes excerpted from it. We could make it an  
18 exhibit for the record. I hate to make this whole  
19 notebook which all these colored pages an exhibit, but --

20 MR. PINKERTON: It's yours, whatever you  
21 want to do with it is fine. But I mean, that identifies  
22 it, so --

23 MR. HARRIS: What do you want to do with  
24 it?

25 MR. PINKERTON: I don't think you want to



1 do anything today with Bill with it, but.

2 MR. HARRIS: I don't think I'm going to ask  
3 him any questions about it.

4 MR. PINKERTON: He wasn't there.

5 MR. WILSON: We'll make it an exhibit when  
6 we do Jesse or Robert. Okay.

7 MR. HARRIS: I think I can do what I want  
8 to pretty quickly here. I'm going to the notice of  
9 deposition of the company, you know, the 30(b)6 thing we  
10 have, and I have marked three or four of them to ask  
11 something on that we may not have fully covered.

12 The first thing I want to ask you,  
13 Mr. Pinkerton, is on seven and eight, as I understand  
14 you, you haven't picked anybody yet or something.

15 MR. PINKERTON: Bill, I don't have my notes  
16 on that.

17 MR. HARRIS: You want me to just pass it  
18 over to you?

19 MR. PINKERTON: Yeah, did we not designate  
20 somebody before.

21 MR. WILSON: You said you hadn't decided  
22 yet, was what I had in my notes on seven and eight.

23 MR. PINKERTON: Okay. Well, it was either  
24 Jesse or Jerry right here on seven --

25 MR. HARRIS: I don't have to know right

1 now, if it's not this witness.

2 MR. PINKERTON: It's not Bill.

3 MR. HARRIS: But I would like to know --

4 MR. PINKERTON: And eight is not Bill  
5 either.

6 MR. HARRIS: I would like to know pretty  
7 soon.

8 MR. PINKERTON: Okay. If I left that  
9 hanging, I can get you an answer.

10 MR. HARRIS: And then the one is I still  
11 want to verify that you still have a negative position,  
12 if you do. There is a 19 and 20, and I believe you  
13 objected to them as improper in some way.

14 MR. PINKERTON: Right.

15 MR. HARRIS: And would you please take your  
16 position on the record.

17 (Discussion off the record)

18 MR. HARRIS: Are you looking at seven and  
19 eight?

20 MR. PINKERTON: I'm looking at 19 and 20.

21 MR. HARRIS: Oh, 19 and 20, I'm sorry,  
22 you've already responded on seven and eight?

23 MR. PINKERTON: Yeah.

24 Well, I think 19 is one that you have asked  
25 about. You know Jesse and Bill would know information

1 about that. You've already asked Bill about it. You've  
2 asked Jesse about it as well.

3 20 is the one I definitely think is  
4 improper.

5 MR. HARRIS: Let me go back to 19 for just  
6 a minute.

7 MR. PINKERTON: Okay.

8 MR. HARRIS: Are you telling me that both  
9 of them are designees, then?

10 MR. PINKERTON: Yes.

11 MR. HARRIS: Whatever they say is what the  
12 company says?

13 MR. PINKERTON: Right.

14 MR. HARRIS: Both to Jesse and Bill Davis?

15 MR. PINKERTON: Right.

16 MR. HARRIS: Now, tell me what you want to  
17 about 20.

18 MR. PINKERTON: 20 is just -- we object to  
19 20, I believe it's improper for somebody to testify about  
20 who's going to testify about trial. I think that's what  
21 that says, who's going to be witnesses for us, and that's  
22 an improper 30(b)6 notice.

23 MR. HARRIS: I do want you to know our  
24 biggest concern here has been about foreign country  
25 people, foreigners. We've had a concern, and I think a

1 right one, to know whether or not to go running around in  
2 circles at some given place and preparing for some given  
3 witness that's going to be from Zanzibar, and it's that  
4 that we mainly have in mind, a combination of 19 and 20.  
5 Rather than trying to get all of your witnesses or  
6 whatever, we just want to know those you are serious  
7 about that are nearly inaccessible.

8 MR. PINKERTON: We have identified in  
9 response to -- interrogatory responses, persons with  
10 knowledge of relevant facts. Any of those people could  
11 be called as witnesses, any of them.

12 MR. HARRIS: We're asking --

13 MR. PINKERTON: You have asked me to --

14 MR. HARRIS: -- for what your intent is.

15 MR. PINKERTON: -- for what my intent is,  
16 and I told you, you know, lawyer-to-lawyer,  
17 friend-to-friend, what my intent was.

18 MR. HARRIS: Does that still stand?

19 MR. PINKERTON: Presently.

20 MR. HARRIS: Will you let me know if it  
21 changes real quick?

22 MR. PINKERTON: Yes, I will let you know if  
23 it changes.

24 MR. SWEENEY: Well, Judge Lynn will have us  
25 do that in her pretrial filing requirements anyway, and

1 to designate whether the witnesses are probable or  
2 possible.

3 MR. PINKERTON: Sure. I understand that.

4 MR. HARRIS: My problem has simply been if  
5 you do have a foreign witness, there's really not much  
6 sense in having to go every place where every person is  
7 listed who might have knowledge if there are 8 or 10 or  
8 15 listed in foreign countries and try to trace all of  
9 that out when it's all, I'm sure, in good faith but not  
10 very serious, just in case.

11 MR. PINKERTON: Well, they are persons with  
12 knowledge, and I told you that our present plans are to  
13 call one foreign witness --

14 MR. HARRIS: You did.

15 MR. PINKERTON: -- and that was Mr. Harry  
16 Bowyer.

17 MR. HARRIS: That's true, I agree.

18 MR. PINKERTON: And if that changes, I'll  
19 let you know as soon as possible, as soon as I know.

20 MR. SWEENEY: Is your position the same on  
21 the two witnesses from MAN-Roland?

22 MR. HARRIS: Mr. Pinkerton has told me he  
23 does not intend to call those people.

24 MR. PINKERTON: Right.

25 MR. SWEENEY: For the record, Bill was the

1 first attorney to sign up to take a deposition in  
2 Zanzibar if necessary.

3 MR. PINKERTON: He's got connections there.

4 MR. HARRIS: I hope. Now, I know that some  
5 of you feel different here, but I hope by the time this  
6 weekend is over that Mr. Gore is taking depositions in  
7 Zanzibar.

8 MR. PINKERTON: Anywhere south of Florida.

9 MR. HARRIS: A little bit south of Key  
10 West.

11 MR. PINKERTON: Right.

12 MR. HARRIS: Okay. Well, I understand your  
13 position and I will try to live with 20. If I get  
14 nervous, I'll let you know.

15 MR. PINKERTON: Okay.

16 MR. HARRIS: Now I have two off of the list  
17 that I want to ask to make sure I have everything I can  
18 get from this witness.

19 Q. (By Mr. Harris) Number one, when the invention  
20 described in the 363 patent was first conceived and by  
21 whom the extent of the first conception, all documents  
22 and tangible things relating to the first conception and  
23 each witness to that conception. Mr. Davis, having heard  
24 that, do you believe -- for the company do you believe  
25 that we have been supplied with that information? Do

1 you want to look at it?

2 MR. PINKERTON: Well, we have produced on  
3 behalf of the company and fully responded to all of your  
4 document requests, your interrogatory responses -- your  
5 interrogatories, he has answered your questions.

6 Now, whether or not you've got another  
7 question that you might have could have asked, he doesn't  
8 know that.

9 MR. HARRIS: Well, I'm asking him --

10 MR. PINKERTON: He has responded to your  
11 questions fully.

12 MR. HARRIS: Do you want me to repeat that  
13 or have it read back or what?

14 MR. PINKERTON: I understood it. You don't  
15 have to repeat it. I'm just saying that --

16 MR. HARRIS: What I'm saying is that's what  
17 it says. Does he know of anything else? That's what I  
18 asked him.

19 MR. PINKERTON: That question is too broad  
20 and too global.

21 MR. HARRIS: Well, it may be, but I'm  
22 asking it.

23 MR. PINKERTON: It's an improper question.  
24 If you've got some focused question that's a proper  
25 question, Bill, he --

1 Q. (By Mr. Harris) He's objected, but you may  
2 answer?

3 MR. PINKERTON: -- he'll be glad to answer.

4 THE WITNESS: I believe we have complied to  
5 that request that's --

6 Q. (By Mr. Harris) Number one?

7 A. Yes, sir, I believe we have complied.

8 Q. Do you think that you have let us have all of  
9 that information or given us all of that information on  
10 number one?

11 A. Yes, sir.

12 MR. PINKERTON: Well, I think his answer  
13 probably is that he has answered fully all of the  
14 questions and answers that you know; is that correct,  
15 Mr. Davis?

16 THE WITNESS: To my knowledge.

17 MR. PINKERTON: And we also designated  
18 Jesse Williamson, Bill, on that, both of them, and you  
19 have questioned Jesse and will have additional questions  
20 for him.

21 MR. HARRIS: Well, let's don't make any  
22 more than we have to.

23 MR. PINKERTON: Those two.

24 Q. (By Mr. Harris) As to number two, it reads, and  
25 I'll let you read it, too, "Any evidence tending to show



1 what date the invention described in the 363 patent was  
2 first conceived, including without limit conversations or  
3 other communications in which conception was disclosed  
4 and precisely what was disclosed."

5 You can read it, and my question once again  
6 is simply: Do you think you've provided or the company  
7 has provided us with all of that information and do you  
8 think you have been responsive to number two?

9 MR. PINKERTON: Same objection -- wait a  
10 minute, Bill. Same objection that I have that I think  
11 that's a global question that's improper. We have  
12 provided, though, all documents, we've answered  
13 interrogatories, he's answered all of your deposition  
14 questions.

15 MR. HARRIS: The jury might think you are  
16 being evasive.

17 MR. PINKERTON: I don't think so.

18 MR. HARRIS: The jury might think you're  
19 trying to avoid answering a pretty straight questions.

20 MR. PINKERTON: He's answered all of your  
21 questions.

22 MR. HARRIS: The jury might think Mr. Falk  
23 is going to sleep.

24 MR. FALK: No, I'm not. I'm looking at  
25 your white hair and seeing how your hair is growing older

1 in this case.

2 MR. PINKERTON: Let's don't get his hair  
3 involved. He might get yours involved, Bobby.

4 MR. FALK: He's already commented about my  
5 white hair.

6 MR. HARRIS: But I don't go to the hair  
7 dresser.

8 Q. (By Mr. Harris) Sir?

9 A. To the best of my knowledge I believe that I  
10 have done that.

11 Q. Number two?

12 A. Yes, sir, complied with it.

13 (Discussion off the record).

14 MR. PINKERTON: Are you passing the  
15 witness?

16 MR. HARRIS: No further questions.

17 MR. PINKERTON: We'll reserve our questions  
18 until trial.

19 VIDEOGRAPHER: We're off the record at  
20 3:48.

21 (Off the record, 3:48 p.m.)

22 - - - - -

23

24

25

Kategorie		Anzahl		Prozent	
Gruppe	Untergruppe	absolut	relativ	absolut	relativ
Gesamt	Wahlberechtigte	1.000	100,0	1.000	100,0
	Wahlberechtigte	1.000	100,0	1.000	100,0
	Wahlberechtigte	1.000	100,0	1.000	100,0
	Wahlberechtigte	1.000	100,0	1.000	100,0
Männer	Wahlberechtigte	500	100,0	500	100,0
	Wahlberechtigte	500	100,0	500	100,0
	Wahlberechtigte	500	100,0	500	100,0
	Wahlberechtigte	500	100,0	500	100,0
Frauen	Wahlberechtigte	500	100,0	500	100,0
	Wahlberechtigte	500	100,0	500	100,0
	Wahlberechtigte	500	100,0	500	100,0
	Wahlberechtigte	500	100,0	500	100,0

# CORRIGENDUM

**Asg No**

**[Disregard if signature waived]**

CHANGE/REASON

I, \_\_\_\_\_, have read the foregoing deposition  
and hereby affix my signature that same is true and correct, except as noted above.

COUNTY OF \_\_\_\_\_

**Notary Public in and for the State of Texas**

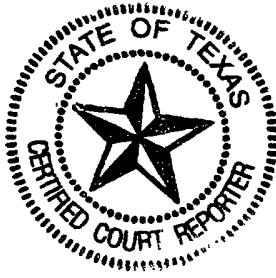
STATE OF TEXAS                   X

COUNTY OF DALLAS               X

I, Christina Cheatham, a Certified Shorthand Reporter duly commissioned and qualified in and for the State of Texas, do hereby certify that there came before me on the 17th day of November, 2000, at the offices of Worsham, Forsythe & Wooldridge, located at 1701 Bryan Street, Energy Plaza, 30th Floor, in the City of Dallas, County of Dallas, State of Texas, the following named person, to-wit: BILL DAVIS, who was duly sworn to testify the truth, the whole truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; and that he was thereupon examined upon his oath and his examination reduced to typewriting under my supervision; that the deposition is a true record of the testimony given by the witness, and signature of witness is to be before any notary public.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

Certified by me on this the 28<sup>th</sup> of  
November, 2000.



*Christina Cheatham*

CHRISTINA CHEATHAM, CSR 4590  
FULLER & ASSOCIATES, INC.  
5260 Renaissance Tower  
1201 Elm Street  
Dallas, Texas 75270

Asg No 5525  
Job Ref 1649

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**Lawyer's Notes**

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CONFIDENTIAL

09345796-084904

CONDENSED

**In The Matter Of:**

*Printing Research, Inc., et al v.  
Williamson Printing Corp., et al*

---

*Bill Davis  
November 17, 2000*

---

*Fuller & Associates, Inc.  
5260 Renaissance Tower  
1201 Elm Street  
Dallas, TX 75270  
(214) 744-1250 FAX: (214) 744-1252*

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Page 1

[1] IN THE UNITED STATES DISTRICT COURT  
[2] FOR THE NORTHERN DISTRICT OF TEXAS  
[3] DALLAS DIVISION  
[4] PRINTING RESEARCH, INC. X  
[5] HOWARD W. DEMOORE and X  
[6] RON M. RENDLEMAN X  
[7] X CIVIL ACTION NO.  
[8] VS. X 3-99CV1154-M  
[9] X  
[10] WILLIAMSON PRINTING CORP., X  
[11] BILL L. DAVIS and X  
[12] JESSE WILLIAMSON X  
[13] VIDEOTAPED  
[14] ORAL DEPOSITION  
[15] OF  
[16] BILL DAVIS  
[17] Volume 2  
[18] November 17, 2000  
[19]  
[20] ANSWERS AND VIDEOTAPED DEPOSITION OF BILL DAVIS,  
[21] produced as a witness at the instance of the Plaintiff,  
[22] being duly sworn, was taken in the above-styled and  
[23] numbered cause on the 17th day of November, 2000, from  
[24] 9:44 a.m. to 3:48 p.m., before Christina Cheatham, a  
[25] Certified Shorthand Reporter in and for the State of  
[26] Texas, via machine shorthand, at the offices of Worsham,  
[27] Forsythe, Wooldridge, L.L.P., located at 1601 Bryan  
[28] Street, Energy Plaza, 30th Floor, in the City of Dallas,  
[29] County of Dallas and State of Texas.  
[30]

Page 2

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[35]  
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[37] Mr. Dave Douglas  
[38] Ms. Kirby Read, Videographer  
[39]  
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[1] PROCEEDINGS  
[2] VIDEOGRAPHER: We're on the record at 9:44.  
[3] Would the court reporter please swear in the witness.  
[4] BILL DAVIS,  
[5] having been sworn to testify the truth, testified as  
[6] follows:  
[7] EXAMINATION  
[8] BY MR. HARRIS:  
[9] Q: Mr. Davis, I'm a little uncertain about whether  
[10] this is a resumption of the deposition we've had or  
[11] whether it's a new deposition, but I don't guess that  
[12] makes a whole lot of difference. In point of fact, I  
[13] think it's a resumption.  
[14] MR. HARRIS: Don't you think so,  
[15] Mr. Pinkerton?  
[16] MR. PINKERTON: I think that's right.  
[17] Q: (By Mr. Harris) Who is Harry Bowyer?  
[18] A: Harry Bowyer is an employee of Wolstenholme  
[19] International. He is their — he's one of the board of  
[20] directors. I don't know whether he carries a vice  
[21] president title or not, but he is the director of  
[22] marketing, sales and marketing, for that company.  
[23] They're headquartered in Birmingham —  
[24] excuse me, in Manchester, England and they make finely  
[25] disintegrated metal particles for use as pigment in inks,

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[1] coatings and paint.

[2] Q: Thank you. That answer reminded me of what my  
[3] other question was.

[4] MR. PINKERTON: Okay.

[5] Q: (By Mr. Harris) I guess one other thing I ought  
[6] to ask you to — you're the same Mr. Davis that  
[7] previously gave a deposition in this case, are you not?

[8] A: Yes, sir, I am.

[9] Q: And just for ID purposes state your full name  
[10] and where you reside.

[11] A: I'm Bill L. Davis. I reside at 1126 Tipton Road  
[12] in Irving, Texas, 75060.

[13] Q: Excuse me just a minute while I take something  
[14] up with Mr. Pinkerton.

[15] MR. HARRIS: I do want to take Mr. Bowyer's  
[16] deposition and I haven't given any great thought to  
[17] whether I would prefer personally to take it in England  
[18] or whether I prefer personally to take it over here, and  
[19] since he's essentially your witness, I would ask you what  
[20] your inputs are on the matter.

[21] I think at one time I brought this up, not  
[22] long ago, but a fairly short time ago and I asked if you  
[23] could give it some attention.

[24] MR. PINKERTON: You and I did discuss that,  
[25] Bill, and at that time I told you that I would contact

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[1] Mr. Bowyer and see if we could work out some convenient  
[2] dates that he would be available.

[3] MR. HARRIS: Yeah.

[4] MR. PINKERTON: I feel confident that he  
[5] will agree to a deposition, and I think I told you at  
[6] that time that because of the present activities that we  
[7] had going in the case that I wouldn't be able to tend to  
[8] that this week, but I will address it and will give  
[9] Mr. Bowyer a call as soon as possible and see what his  
[10] schedule looks like and see what he'd like to do.

[11] MR. HARRIS: Okay. As far as the  
[12] deposition itself is concerned, of course, his  
[13] convenience is of importance. On the other hand, you had  
[14] penciled in a possible date for it.

[15] MR. PINKERTON: Right.

[16] MR. HARRIS: And that date is okay, for  
[17] openers.

[18] MR. PINKERTON: Okay.

[19] MR. HARRIS: I had mentioned that to you.

[20] MR. PINKERTON: Right, and so we'll target  
[21] that and see if it's fine with him.

[22] MR. HARRIS: All right.

[23] MR. PINKERTON: Some time during that week.

[24] MR. HARRIS: Okay.

[25] Q: (By Mr. Harris) Back to the questions about

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[1] Mr. Bowyer. How long have you known him?

[2] A: I met Harry, I believe in, some time in '92. He  
[3] was — he and Jesse Williamson had met at one of the  
[4] shows, printing equipment shows in Birmingham, England,  
[5] and Jesse expressed his interest in developing a better  
[6] brilliant printing ink, and Harry agreed that they would  
[7] work with us to improve the brilliance of our  
[8] lithographic printing ink, and he made a visit to our  
[9] plant. I'm not sure whether it was '91, but he did visit  
[10] us in '92. I believe that's the first — maybe the first  
[11] time I met Harry, in the fall, as I recall.

[12] Q: And did the relationship continue?

[13] A: Yes, sir.

[14] Q: When did you next see him?

[15] A: I don't recall. I think Harry would make, seems  
[16] to me like he visited our plant a couple a times a year  
[17] maybe to just kind of update Jesse on what they had  
[18] developed and what was the latest best product they had  
[19] to offer us.

[20] Q: Did you buy any product from them?

[21] A: Well, they actually sell the pigment to the ink  
[22] maker, so we would purchase from whatever ink maker we  
[23] were using at the time. Wolstenholme would sell that  
[24] pigment to them and the ink maker would manufacture the  
[25] ink, and we'd specified whomever ink maker we were using,

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[1] that they utilize the Wolstenholme pigments.

[2] Q: What kind of a volume are you taking about on  
[3] the sales of that material?

[4] A: Oh, Mr. Harris, I wouldn't have an idea. I just  
[5] don't — I wouldn't know the numbers.

[6] Q: Important enough to drop by a couple of times a  
[7] year to see you from England?

[8] MR. PINKERTON: Object to the form.

[9] THE WITNESS: I suppose so, yes.

[10] Q: (By Mr. Harris) And while talking about people,  
[11] there are a couple of other names I wanted to check out.  
[12] Are there other people associated with that company that  
[13] you're acquainted with?

[14] A: There was a fellow, I believe on Harry's first  
[15] visit to our plant, maybe second visit, one of their  
[16] technicians named Ronald McDonald, strange as it may  
[17] seem, and two other young men we met in Germany in '95,  
[18] Michael Yates and Steve Clark. Michael Yates was a  
[19] marketing or salesperson for them and Steve Clark was a  
[20] technician.

[21] Q: Who is Helmut Plier with?

[22] A: I believe he is with MAN-Roland, I believe.

[23] Q: And you'll have to help me with the next one.

[24] The Wolfgang is easy, but the rest is not,

[25] Sch-w-e-i-s-e-r, a man you might have met in 1992, if

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[1] I go back to some of your prior testimony.  
[2] A: I don't recall meeting either of those fellows.  
[3] I believe Jesse may have met with this Plier, and I'm not  
[4] sure about the other.  
[5] Q: You weren't present with either of those two?  
[6] A: No, sir.  
[7] Q: Now, you have not recently made a trip to  
[8] Germany, have you?  
[9] A: Yes, in fact, I have.  
[10] Q: You have?  
[11] A: Yes, sir.  
[12] Q: How recent?  
[13] A: Two weeks ago.  
[14] Q: Did you meet with either one of the persons that  
[15] I just mentioned?  
[16] A: No, sir.  
[17] Q: Who did you meet with?  
[18] A: We met with MAN-Roland personnel in Augsburg —  
[19] Q: Yes  
[20] A — discussing our web presses and our desire and  
[21] need for a new eight-unit web press —  
[22] Q: Yes  
[23] A — and it's configuration.  
[24] Q: Was there any incidental mention concerning a  
[25] MAN-Roland patent?

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[1] A: I don't recall that — I don't recall that there  
[2] was. There may have been, I just don't remember what was  
[3] said about that.  
[4] Q: Was there any mention at all of it? I didn't  
[5] ask you what was said, Mr. Davis. I know you know you  
[6] are under oath, Mr. Davis.  
[7] A: I think there was some discussion about whom to  
[8] contact at MAN-Roland Offenbach, which is another city  
[9] where the fellow Helmut Plier works. I believe there  
[10] might have been a discussion about that.  
[11] Q: Who to contact for what purpose?  
[12] A: To discuss their — they have a patent that —  
[13] there was — wanted to discuss with them their patent.  
[14] Q: And did someone discuss it with Helmut Plier or  
[15] someone else, either in person or by phone?  
[16] A: I don't know about Helmut Plier. Apparently  
[17] there was a call made by the Augsburg MAN-Roland people  
[18] and whomever the discussions should have been with or was  
[19] to be with was on vacation, so there was not any further.  
[20] Q: Was Mr. Jesse Williamson with you?  
[21] A: Yes.  
[22] Q: And did he go to Offenbach?  
[23] A: No, sir, no, not — no, he didn't go to  
[24] Offenbach.  
[25] Q: Was Mr. Falk with you?

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[1] A: No, sir.  
[2] Q: Did you have an attorney with you from the  
[3] United States?  
[4] A: No, sir.  
[5] Q: Did you have a German attorney with you?  
[6] A: No, sir.  
[7] Q: Did you get any word back from MAN-Roland as to  
[8] their position concerning their patent as might relate in  
[9] some way to your patent?  
[10] A: No, sir.  
[11] Q: But that's what the call was made for, wasn't  
[12] it?  
[13] A: Yes.  
[14] Q: Have there been telephone calls here from the  
[15] United States to follow up on that matter?  
[16] A: I'm not aware of — I have not made any. I am  
[17] not aware of any that have been made.  
[18] Q: You expect you are going to buy something from  
[19] MAN-Roland; is that right?  
[20] MR. PINKERTON: Object to the form.  
[21] THE WITNESS: The web press —  
[22] Q: (By Mr. Harris) Did you order one?  
[23] A: Group in Augsburg.  
[24] Q: Did you order one?  
[25] A: No, sir, we haven't yet.

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[1] Q: You about to order one?  
[2] A: I'm not sure. We are still trying to decide  
[3] configuration and that, and we still haven't made that  
[4] decision.  
[5] Q: Anyway, you are a potential customer of theirs  
[6] of some significance; is that true?  
[7] MR. PINKERTON: Object to the form.  
[8] THE WITNESS: Of the web press group, yes,  
[9] sir.  
[10] Q: (By Mr. Harris) Of MAN-Roland?  
[11] A: Yes, sir.  
[12] Q: Did anybody establish or contact with someone  
[13] from the patent department or in charge of the patent  
[14] department of MAN-Roland?  
[15] A: I'm not sure who the people in Augsburg talked  
[16] to, some department head or some directors, I'm really  
[17] not sure who they talked to.  
[18] Q: Did they have anything at all to report other  
[19] than whoever it is, X, that's on vacation?  
[20] A: Not that I'm aware of, no.  
[21] Q: Have you heard anything since?  
[22] A: I have not.  
[23] Q: Was the question put to them if they were coming  
[24] to trial here in the United States, any MAN-Roland  
[25] people?

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[1] A: No, sir.  
[2] Q: Did the question come up in any way, either from  
[3] MAN-Roland or from you?  
[4] A: No.  
[5] Q: And by you, I generically mean your company?  
[6] A: Not to my knowledge, no.  
[7] Q: What other persons can you remember by name from  
[8] MAN-Roland that you had a contact with while you were  
[9] there?  
[10] A: We just dealt with the people in Augsburg and  
[11] I'm not sure who they contacted in Offenbach. I don't  
[12] recall any names.  
[13] Q: Would you have notes that showed the names?  
[14] A: No sir. I wouldn't have any notes.  
[15] Q: None at all?  
[16] A: No, sir.  
[17] Q: Do you have your travel records?  
[18] A: I don't really keep any daytimers or any travel  
[19] records.  
[20] Q: Well, did you make an expense account request?  
[21] A: I will make an expense report. Our tickets got  
[22] changed several times and so they had to go back to the  
[23] travel agent and I've got to get the real cost of the  
[24] ticket before I can make an accurate expense report. And  
[25] I didn't have any expenses, to speak of, other than the

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[1] ticket.  
[2] Q: Well, then is it fair to say that, as is usually  
[3] the case, that Mr. Jesse Williamson paid all of the  
[4] things and you nothing?  
[5] MR. PINKERTON: Object to the form.  
[6] THE WITNESS: I think in this case — I  
[7] think the MAN-Roland salesman that was with us probably  
[8] took care of most of the meals that we had, you know.  
[9] Q: (By Mr. Harris) But not the airplane ticket?  
[10] A: Oh, no, sir, no, sir.  
[11] Q: You took care of that —  
[12] A: Yes, sir, Williamson Printing Company.  
[13] Q: — and look to the company for reimbursement,  
[14] right?  
[15] A: It was charged to the company, but I still will  
[16] do an expense report.  
[17] Q: Is it common for you to do expense reports?  
[18] A: Generally, yes. If you go on a trip you do an  
[19] expense report most of the time.  
[20] Q: Change the tempo here a little bit to something  
[21] else. When did you first tell Jerry Williamson about  
[22] your invention of the 363, if at all?  
[23] A: I'm not sure, probably some time in '92, but I  
[24] don't have a recollection of exactly when.  
[25] Q: What did you tell him at that time?

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[1] A: I think just that we had a better way to improve  
[2] our WIMS process, which was a previous patent that we had  
[3] integrated metallics with four-color process.  
[4] Q: Just a minor correction, you didn't have a  
[5] patent on so-called WIMS in 1992, did you, sir?  
[6] A: No, we had applied.  
[7] Q: It was 1994 at least before you had such a  
[8] patent, wasn't it?  
[9] A: That's correct, it was issued then. We had  
[10] filed in '92, but —  
[11] Q: Well, did Jerry Williamson act like it was the  
[12] first time he had heard of the notion you passed on to  
[13] him about the 363, and when I say the 363, we both  
[14] realize that it was a number of years until that patent  
[15] was granted, but I'm talking about the subject matter of  
[16] the 363; is that understood?  
[17] A: Yes, sir.  
[18] Q: I'll repeat the question, if you'd like. Did he  
[19] act like it was the first time he had heard of it when  
[20] you spoke to him?  
[21] MR. PINKERTON: Object to the form.  
[22] THE WITNESS: I don't recall any reaction  
[23] one way or the other.  
[24] Q: (By Mr. Harris) Do you recall how complete the  
[25] idea was at the time you spoke with him?

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[1] A: I think the idea was complete. It was our  
[2] concept, and based on Jesse and I's coming together and  
[3] Jesse's experience at seeing how effective an anilox  
[4] roller with a chambered doctor could print a metallic  
[5] coating and we had — yes, we had a complete concept.  
[6] Q: Well, it's fair to say, is it not, that your  
[7] testimony has been and your view is that you and Jesse  
[8] Williamson were together at the time that you had the  
[9] concept of this invention; is that correct?  
[10] A: Yes, sir.  
[11] Q: And that it occurred after he had come back from  
[12] Germany; is that correct?  
[13] MR. PINKERTON: I object to the way the  
[14] question is phrased. I don't know why you are injecting  
[15] that type of voice, but I think it's a very argumentative  
[16] tone, Mr. Harris. I object to that type of behavior in  
[17] the deposition.  
[18] MR. HARRIS: My wife says that to me  
[19] sometimes.  
[20] MR. PINKERTON: Well deserved.  
[21] MR. HARRIS: Well, this gentleman has  
[22] tougher hide than you do.  
[23] MR. PINKERTON: Let's don't be  
[24] argumentative, threatening.  
[25] MR. WILSON: Well, let's just state our



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[1] objection as argumentative.  
[2] **MR. PINKERTON:** We'll get Dorothy on the  
[3] phone and let her second that objection.  
[4] **MR. FALK:** Bill, you do know that you have  
[5] a tendency to sometimes snarl.  
[6] **MR. HARRIS:** What? Let the record show I'm  
[7] just trying to kid someone who is kidding me.  
[8] **MR. FALK:** I am kidding you, Bill.  
[9] **MR. HARRIS:** Yeah, we don't need to put on  
[10] the boxing gloves. That's not our business.  
[11] **Q:** (By Mr. Harris) How much experience did the  
[12] Williamson company have in the flexo area in 1992?  
[13] **A:** Other than our observations of various auxiliary  
[14] rack-back interpress coating systems that we observed at  
[15] trade shows we didn't have any flexographic experience at  
[16] all.  
[17] **Q:** So at the time that you and Jesse Williamson had  
[18] this idea you weren't particularly versed in the idea of  
[19] flexo or in the printing by flexo?  
[20] **MR. PINKERTON:** Object to the form.  
[21] **THE WITNESS:** Well, we knew that there were  
[22] workable units in the field, and based on that we put  
[23] that together with various other elements of our  
[24] invention and conceived what we thought was a real  
[25] advancement and improvement in our WIMS process.

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[1] **Q:** (By Mr. Harris) That's the one that was  
[2] actually reduced to practice in late 1995; is that right?  
[3] **MR. PINKERTON:** Object to the form. I  
[4] don't know what you mean "that."  
[5] **THE WITNESS:** Well, the WIMS or the —  
[6] **Q:** (By Mr. Harris) No, the —  
[7] **A:** — Litholux we —  
[8] **Q:** — improvement, you said it was an improvement?  
[9] **A:** Yes, sir. That improvement was reduced to  
[10] practice in an off-line manner in January of '95 in  
[11] Germany and in our plant then around the first of March  
[12] that same year.  
[13] **Q:** What year?  
[14] **A:** The same year, of '95.  
[15] **Q:** But I don't know what you mean by off-line is —  
[16] let me try again.  
[17] By off-line you mean two pass, do you not?  
[18] **A:** Yes, sir, that's correct.  
[19] **Q:** And your invention is not supposed to cover  
[20] two-pass, as far as you know, is it?  
[21] **A:** No, we reduced to practice towards the end of  
[22] 1995 when we had a unit installed on the first unit of a  
[23] six-color press in the pressroom.  
[24] **Q:** The installation was by Printing Research, Inc.,  
[25] wasn't it?

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[1] **A:** Yes, sir, that's correct.  
[2] **Q:** And equipment installed was maintained and  
[3] operated in the reduction or in the printing by Printing  
[4] Research personnel, was it not?  
[5] **MR. PINKERTON:** Object to the form.  
[6] **THE WITNESS:** It was our printing press.  
[7] We were operating the printing press, and we had received  
[8] training on the particular operation of their  
[9] printer/coater.  
[10] **Q:** (By Mr. Harris) But you didn't know how to  
[11] operate it, really at that point in time, did you? That  
[12] was the first time, you didn't know how to do it, did  
[13] you?  
[14] **A:** The printer/coater — we had to have  
[15] instructions or training on the operation of the  
[16] printer/coater.  
[17] **Q:** And you had someone there from PRI, didn't you?  
[18] **A:** That's correct.  
[19] **Q:** And the someone was the one that looked after  
[20] the printer/coater, wasn't it?  
[21] **A:** The printer/coater, that's correct, yes.  
[22] **Q:** And indeed, it was a long time after that until  
[23] your personnel felt comfortable trying to service the  
[24] printer/coater; is that not true?  
[25] **MR. PINKERTON:** Object to the form.

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[1] **THE WITNESS:** Well, we operated it with  
[2] some degree of efficiency and printed several jobs  
[3] actually in the month of March and on through into April  
[4] and May.  
[5] **Q:** Do you remember the letter from Mr. Jesse  
[6] Williamson that was quarreling considerably with Printing  
[7] Research, Inc. because they hadn't taught any of your  
[8] people how to use the printer coater?  
[9] **A:** I believe I do.  
[10] **Q:** Was that an untrue letter?  
[11] **A:** Well, Jesse wanted us to get better, and I guess  
[12] he felt that that particular letter in that tone was  
[13] necessary.  
[14] **Q:** Well, from your own point of view, is that an  
[15] untrue letter?  
[16] **MR. PINKERTON:** I'm going to object to the  
[17] form. Don't know what letter you're talking about  
[18] specifically.  
[19] **MR. HARRIS:** The witness does.  
[20] **MR. PINKERTON:** If he does, that's fine.  
[21] I'll object to it because it's unclear.  
[22] **THE WITNESS:** I'm not really sure what he  
[23] meant by it. I don't know.  
[24] **Q:** (By Mr. Harris) You don't know whether it was  
[25] true or untrue, then?

Page 22

[1] MR. PINKERTON: Object to the form.  
[2] THE WITNESS: I think we had a degree of  
[3] confidence in running the equipment, some of our people  
[4] did. Some of our people were new and did need better  
[5] training.  
[6] We have a three-shift operation. I'm sure  
[7] that the guy on first shift was competent. Probably the  
[8] guy on second knew something. The guy on third  
[9] probably — maybe was not so competent.  
[10] Q: (By Mr. Harris) Can I — is it correct, though,  
[11] that you don't take any issue with his letter?  
[12] MR. PINKERTON: Again, I object to the  
[13] form.  
[14] THE WITNESS: Like I said, I don't know  
[15] what — for sure what he meant or what his goal was, what  
[16] he was trying to do. I think I do, but I don't really  
[17] know.  
[18] Q: (By Mr. Harris) Do you need to see the letter  
[19] or do you know the letter I'm talking about?  
[20] A: I believe I have seen the letter before.  
[21] MR. HARRIS: Here is a copy of the letter.  
[22] I don't know whether I can get multiples or not.  
[23] MR. PINKERTON: Let me just see the date of  
[24] it, see which one it is.  
[25] MR. HARRIS: Do you have another one?

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[1] MR. WILSON: Yeah, the other copies I have  
[2] have the wrong Bates number on them, but you can see the  
[3] text.  
[4] MR. PINKERTON: That's fine.  
[5] MR. HARRIS: Boy, you're really giving them  
[6] a lot of gravy, both of them you're giving a copy.  
[7] MR. PINKERTON: Most gracious.  
[8] MR. HARRIS: Steve is a good guy.  
[9] MR. PINKERTON: Sometimes.  
[10] Q: (By Mr. Harris) This document is marked  
[11] PRI00343, agreed?  
[12] A: Uh-huh.  
[13] Q: Please say yes.  
[14] A: Yes.  
[15] Q: And take as long as you like looking at it, but  
[16] I do draw your attention first and perhaps most of all to  
[17] the very first sentence, and I'll read it, "We keep  
[18] having trouble every time we start up the EZ Coater."  
[19] A: That was true. We had problems with the  
[20] start-ups.  
[21] Q: And then in, you know, as opposed to shifts,  
[22] talking about shifts, he says, "All of our people say  
[23] they have never been trained on the equipment and have to  
[24] call you when they use it."  
[25] A: Well, apparently Jesse was frustrated and felt

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[1] that we were not trained adequately.  
[2] Q: Well, do you disagree with that?  
[3] A: I don't disagree with that, no.  
[4] Q: So it's fair to say you certainly didn't know  
[5] how to use the EZ Coater the very first time it was used,  
[6] isn't it?  
[7] MR. PINKERTON: Object to the form.  
[8] THE WITNESS: I would say that's correct,  
[9] yeah.  
[10] MR. HARRIS: Do we have a number? Do you  
[11] know where we stopped, John.  
[12] MR. PINKERTON: No, I don't.  
[13] MR. WILSON: I think the last exhibit was  
[14] 5B.  
[15] MR. HARRIS: While we're trying to figure  
[16] this out, would you look back to the point where I was  
[17] being castigated as the bad guy because of my awful  
[18] abrasive voice and see what the question was, because I'm  
[19] darn sure going to press the question if I didn't get it  
[20] answered.  
[21] MR.  
[22] THE COURT REPORTER: Question: Is it fair  
[23] to say your testimony has been and your view is that you  
[24] and Jesse Williamson worked together at the time that you  
[25] had the concept of this invention; is that correct?

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[1] Answer: Yes, sir.  
[2] Question: And that it occurred after he  
[3] had come back from Germany; is that correct?  
[4] And that's where we have an objection.  
[5] MR. PINKERTON: That's not it.  
[6] MR. HARRIS: Well, did he give an answer?  
[7] THE COURT REPORTER: There's no answer, no.  
[8] MR. HARRIS: Okay. Well, then that's the  
[9] question.  
[10] Would you read back the question there?  
[11] THE COURT REPORTER: Question: And that it  
[12] occurred after he had come back from Germany; is that  
[13] correct?  
[14] THE WITNESS: That's correct.  
[15] (Discussion off the record)  
[16] (Deposition Exhibit 6 marked)  
[17] Q: (By Mr. Harris) And just to key these in  
[18] together, the Bates number PRI00344 that we have just  
[19] been discussing on the record has now been marked  
[20] Exhibit 6, agreed?  
[21] A: Yes, sir.  
[22] Q: Thank you. By the way, as to that exhibit, does  
[23] it appear to you to be an authentic copy of a memo or a  
[24] letter coming from your company and going to PRI?  
[25] A: Yes, sir.

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[1] Q: And does that, as far as you can tell, appear to  
[2] be an authentic signature or mark by Mr. Williamson?  
[3] A: Yes, sir.  
[4] MR. PINKERTON: It was printed on there  
[5] with the lithoflex process.  
[6] MR. HARRIS: Maybe.  
[7] Q: (By Mr. Harris) Did Jesse Williamson tell Jerry  
[8] Williamson about the 363 invention back in 1992, to the  
[9] best of your knowledge?  
[10] A: Yes, sir, I believe so.  
[11] Q: Is Jerry Williamson trained as a lawyer?  
[12] A: He has a law degree from Southern Methodist  
[13] University.  
[14] Q: When did you first tell the patent attorney who  
[15] prepared the patent application for you about your  
[16] invention of the 363?  
[17] A: I believe we began those discussions in early  
[18] '95, I think, January maybe.  
[19] Q: If I told you that prior testimony, best I could  
[20] make out of it, it was January, would that sound about  
[21] right?  
[22] A: Yes, sir.  
[23] Q: And did you do all of your dealings with Al —  
[24] MR. PINKERTON: Al Hall.  
[25] Q: (By Mr. Harris) — Al Hall?

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[1] A: Yes, sir.  
[2] Q: And it's true that you filed in mid August  
[3] of '95, isn't it?  
[4] A: Yes, sir.  
[5] Q: Do you know any particular reason that there was  
[6] a lapse of — from January to mid August before the  
[7] filing occurred?  
[8] MR. PINKERTON: Object to the form.  
[9] THE WITNESS: During that period we were in  
[10] the process of removing seven older presses and putting  
[11] in five new presses. Now, during the January to August,  
[12] I believe we pulled out three presses and put in two or  
[13] three presses, so we were quite busy with that and trying  
[14] to keep the work flowing through the plant. We did a  
[15] major overhaul of the pressroom and just a lot of things  
[16] going on, a lot of business.  
[17] Q: (By Mr. Harris) Well, I'm not sure I — let me  
[18] try it again.  
[19] Are you telling me you were preoccupied  
[20] with these other things and couldn't really follow up on  
[21] the application over that period of time?  
[22] A: Yes, sir.  
[23] Q: Do you recall if you had any drawings or prints  
[24] or other materials from PRI to pass on to the attorney to  
[25] assist him in preparation?

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[1] A: I think there was one little drawing of a  
[2] computer printout or something like that we passed on, I  
[3] believe.  
[4] Q: Computer printout of what, could you help me?  
[5] A: Of the coating unit sitting on a Heidelberg  
[6] printing unit.  
[7] Q: Is there something similar or a likeness to that  
[8] that appears in the drawings of the 363 patent?  
[9] A: I believe so.  
[10] Q: Is that figure two?  
[11] A: I'm not certain about the figure, but I think it  
[12] is.  
[13] MR. HARRIS: You know what it looks like.  
[14] MR. PINKERTON: Sure, no problem.  
[15] MR. WILSON: It's Exhibit 1 that was marked  
[16] earlier.  
[17] Q: (By Mr. Harris) I'm informed that was marked as  
[18] Exhibit 1 earlier. And my question is: Was it figure  
[19] two?  
[20] A: Yes, sir.  
[21] Q: Can you describe the tests that were performed  
[22] in Heidelberg, Germany in 1995? I believe January was  
[23] what we established.  
[24] A: Yes, sir. We sent film to Germany of at least  
[25] two test sheets, I believe, having mostly metallic

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[1] subject matter on those, and the people at Heidelberg,  
[2] Germany, their demonstration floor prepared printing  
[3] plates and they prepared flexographic plates for both the  
[4] gold and silver image.  
[5] Some of these WIMS subject matter required  
[6] a gold and silver and some of them were gold or silver, I  
[7] believe, and so we tested the — first the Wolstenholme  
[8] coatings and ran the flexographic, their chambered doctor  
[9] system at the end of press, ran sheets through that and  
[10] looked at the coverage of the Wolstenholme product and  
[11] decided it was not what we wanted and the Germans had  
[12] some, I believe, Eckert coatings that they put on the  
[13] gold.  
[14] And then we ran those sheets through the  
[15] five-color press they had there on the floor, ran a  
[16] substantial number, 2 or 3,000 sheets, I believe, of two  
[17] different flexographic plates. Somehow or another they  
[18] did not get the silver plate, I don't believe, kind of  
[19] vague on that, but they then let the material dry and ran  
[20] it back through, placing the process images in  
[21] integration with the gold images on the sheet.  
[22] Q: This was the two-pass operation, wasn't it?  
[23] A: Yes, sir, that's correct.  
[24] Q: And when you say end of press you're talking  
[25] about the far end of the press and not the introductory

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[1] end of the press?

[2] A: Yes, sir, the delivery end of the press.

[3] Q: I think I'm learning some terminology here. You  
[4] say the delivery end of the press?

[5] A: Yes, sir, as opposed to —

[6] Q: Is that where the printed material is delivered,  
[7] the end product is delivered, is what you meant?

[8] A: Yes, sir, that's correct, as opposed to the  
[9] feeder —

[10] Q: Okay.

[11] A: — which the new, the raw stock comes out of it.

[12] Q: The feeder is the other end?

[13] A: Yes, sir.

[14] Q: Were you present?

[15] A: Yes, sir.

[16] Q: Was Jesse Williamson present?

[17] A: Yes, sir.

[18] Q: Anybody else from your company?

[19] A: Jerry Williamson was there. That was the —

[20] myself, Jerry, and Jesse were the three from Williamson  
[21] Printing.

[22] Q: Was the whole purpose of the trip to do this  
[23] test?

[24] A: That was the bulk of it, although we were  
[25] looking at other features, the press that we eventually

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[1] delivered was the so-called LYL press featuring two  
[2] coaters at the end and a drying stub. So we were  
[3] evaluating, getting information about that.

[4] Q: So you were investigating other equipment to  
[5] that which you might purchase?

[6] A: Yes, sir.

[7] Q: And these are big ticket items, right?

[8] A: Yes, sir.

[9] Q: At the Heidelberg test was the flexo unit  
[10] mounted on a coating tower or on a printing tower?

[11] A: It was on a dedicated end-of-press coating  
[12] tower.

[13] Q: Were these tests important to your invention?

[14] A: Yes, sir.

[15] Q: And why?

[16] A: Well, they proved what we had felt all along,  
[17] that we had an actual copy of the enhanced or improved  
[18] product that were generated when you use the flexographic  
[19] technique for applying the metallics in our WIMS product,  
[20] our WIMS patent.

[21] Q: Was that the first time that you had done a  
[22] two-pass test like that?

[23] A: Yes, sir.

[24] Q: I better rephrase the question. I had a weasel  
[25] clause on the end.

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[1] Was that the first time that you had  
[2] performed a two-pass test?

[3] A: Yes, sir, I believe so.

[4] Q: Did using the flexographic step first produce  
[5] better results than your way of printing metallics with  
[6] WIMS?

[7] A: Than printing conventional lithography?

[8] Q: WIMS. You didn't consider WIMS conventional,  
[9] did you? I thought it was an invention.

[10] A: No, you are talking about the —

[11] Q: Let me try it again. Did using a flexographic  
[12] step, for example, as done in Germany in January  
[13] of '95 —

[14] MR. PINKERTON: End of press?

[15] MR. HARRIS: Yeah, right, end of press.

[16] Q: (By Mr. Harris) — produce better results than  
[17] your old way of printing metallics with WIMS?

[18] A: Yes, sir.

[19] Q: Did do a better job?

[20] A: Yes, sir.

[21] Q: Up until the test at Heidelberg did you have any  
[22] proof, as you believe proof to be, that printing flexo  
[23] before litho would produce good results?

[24] MR. PINKERTON: Object to the form.

[25] THE WITNESS: I don't believe so.

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[1] Q: (By Mr. Harris) Where is Gary Dowdy presently  
[2] employed?

[3] A: I'm really not sure, don't know.

[4] Q: Was Gary Dowdy with the company or an associated  
[5] company?

[6] A: Yes, sir.

[7] Q: Explain, please.

[8] A: He was at Classic Color Corporation, which was a  
[9] high-end color separation house that Williamson Printing  
[10] owned, and he later left there and worked directly at  
[11] Williamson Printing in the prepress area as a manager for  
[12] a while.

[13] Q: He left?

[14] A: Yes, sir.

[15] Q: When?

[16] A: Some time, late '90s, maybe, I'm not sure, I  
[17] think in the mid to late '90s.

[18] Q: Do you know for what purpose he left?

[19] A: No, sir, I don't.

[20] Q: And what is it you think he is doing now?

[21] A: I'm sure he works in some type of a prepress  
[22] operation, but I just — I can't recall where he went.

[23] Q: He left under good circumstances, did he not?

[24] A: I don't know. I really don't know. I was not  
[25] involved.

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[1] Q: To whom did he report?  
[2] A: As manager of our prepress operation he reported  
[3] to Jesse Williamson.  
[4] Q: Did you travel to Atlanta, Georgia in July of  
[5] 1994?  
[6] A: No, sir.  
[7] Q: Did you travel to Atlanta, Georgia in August of  
[8] 1994?  
[9] A: No, sir.  
[10] Q: Did you travel to Atlanta, Georgia in September  
[11] of 1994?  
[12] A: No, sir.  
[13] Q: Did you travel to Atlanta Georgia in May of  
[14] 1994?  
[15] A: No, sir.  
[16] MR. PINKERTON: You've got one more there,  
[17] don't you?  
[18] MR. HARRIS: No, I — I do. I'm glad you  
[19] reminded me of it. I almost passed it up. It's got two  
[20] or three subparts.  
[21] Q: (By Mr. Harris) I would like for you, sir, to  
[22] tell me as best you can the day-to-day details about your  
[23] trip to Atlanta, Georgia in June of 1994. If you would  
[24] like, I'll sort of lead with a different question.  
[25] What day did you arrive in Atlanta?

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[1] A: It was a Saturday, and I believe that was the  
[2] 11th of June, I believe that's correct. We were at an  
[3] all-day — our senior management team has a business plan  
[4] meeting, and we were planning for the new year prior to  
[5] the year beginning July 1st.  
[6] And Jesse and I left the meeting early,  
[7] flew to Atlanta, took a shuttle or a cab over to a hotel  
[8] that we had talked to Steve Baker about. He suggested we  
[9] stay there because it was apparently handy to a couple of  
[10] places he had suggested we go to observe Printing  
[11] Research's equipment in use.  
[12] And Sunday, that was —  
[13] Q: Was that pretty much complete your activities on  
[14] that first day?  
[15] A: Yes, sir. We were — it was in the evening when  
[16] we got to the hotel. I think we had a bite at the hotel  
[17] and hit the hay.  
[18] Q: Who participated on that day, just the two of  
[19] you together?  
[20] A: Yes, sir.  
[21] Q: And did anyone else join you before the end of  
[22] the day?  
[23] A: No, sir.  
[24] Q: If there were any costs during that day how  
[25] were — let me put it differently. Who paid them?

[1] A: Jesse would have. If the — whatever it was, he  
[2] would have paid.  
[3] Q: And on that particular day did you pay for  
[4] anything at all?  
[5] A: I don't believe so.  
[6] Q: Did you have a car?  
[7] A: No, sir, not Saturday.  
[8] Q: Did you make phone calls in the course of the  
[9] day that you recall?  
[10] A: I'm sure that I probably called home the last  
[11] thing that evening before retiring, and I'm sure Jesse  
[12] probably, as he usually does, made several calls.  
[13] Q: What about the next day? I gather that was  
[14] Sunday from what you said, the next day, right?  
[15] A: Yes, sir. We were scheduled to meet Steve Baker  
[16] that evening and go to super, so we had the hotel take us  
[17] over to a car rental place and we rented a — I remember  
[18] it was a little LeBaron convertible, and me and Jesse got  
[19] in that convertible and drove over Stone Mountain and  
[20] took the little train ride around the base of the  
[21] mountain there and observed that beautiful sculpture  
[22] there on the side of that big — Stone Mountain.  
[23] Then we came back to the hotel and we  
[24] waited for Steve. Steve came that evening. He had a big  
[25] Lincoln Towncar and we got in it, and we had picked some

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[1] restaurant, I forget, out of — somebody had in mind, I  
[2] don't remember who suggested it, and we couldn't find it.  
[3] We got lost. Finally late in the evening we stumbled  
[4] upon, literally, a Morton's steakhouse and parked the car  
[5] and you walk down there, it was just in a basement, and  
[6] had a nice meal.  
[7] And as I recall at some point during the  
[8] meal we talked to Steve about — he had told us about  
[9] several of the pieces of equipment we were going to look  
[10] at and we talked to him about did they — did Printing  
[11] Research have a suitable retractable coater that used an  
[12] anilox roller and a chambered doctor and we talked about  
[13] our WIMS process and how we felt we could benefit if we  
[14] had that kind of a system, but it would have to be  
[15] available as an interstation device.  
[16] And he, as I recall, was quite excited  
[17] about it and said he felt like that they could do that,  
[18] that Printing Research could do that for us.  
[19] Q: Did — let me try again. Do I understand you to  
[20] say that it needed to be an interstation?  
[21] A: Yes, sir.  
[22] Q: And did you tell him it had to be retractable?  
[23] A: Yes, sir, that's one of the criteria.  
[24] Q: And is it true that in order to practice your  
[25] invention one has to have a retractable interstation

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[1] device?

[2] MR. PINKERTON: Object to the form.

[3] THE WITNESS: That's one way it could be  
[4] done, we felt the most practical way. You could have a  
[5] dedicated coating unit. You could have a device that you  
[6] literally bolted on, but it would be in the way of the  
[7] operation of the lithographic press.

[8] Q: (By Mr. Harris) It's true, isn't it, though, as  
[9] far as a real illustration is concerned or a figure is  
[10] concerned in your patent, the only thing illustrated is  
[11] an interstation device that's retractable? That's true,  
[12] isn't it?

[13] A: That's true.

[14] Q: And that is the principal means that is shown in  
[15] your patent in order to accomplish the function that is  
[16] needed in converting to a flexo unit, isn't it?

[17] A: That's correct.

[18] Q: And that device carries with it the doctor  
[19] blade, chambered doctor blade system, does it not?

[20] A: Yes, sir.

[21] Q: And it carries with it the anilox roller, does  
[22] it not?

[23] A: That's true.

[24] Q: And so the principal means to remove the anilox  
[25] roller and the doctor blade system up out of the way is

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[1] the retractable item shown in figure two?

[2] A: That's correct.

[3] MR. HARRIS: I think I've worn myself out.

[4] MR. PINKERTON: Let's take a short break.

[5] VIDEOGRAPHER: We're off the record at  
[6] 10:43.

[7] (Recess taken)

[8] VIDEOGRAPHER: We're on the record at  
[9] 11:09.

[10] Q: (By Mr. Harris) At the break we were talking  
[11] about how your time was spent, your activities when you  
[12] were in Atlanta during June of 1994. And we had talked  
[13] about Saturday and Sunday, and so we're to Monday.

[14] What happened on the third day, on Monday?

[15] A: We — Jesse and Steve Baker and myself departed  
[16] our hotel and —

[17] Q: What time?

[18] A: I want to say probably 8:00 or 9:00 in the  
[19] morning, pretty early.

[20] Q: Did you have breakfast together?

[21] A: I believe we did. I'm pretty sure we did, and  
[22] we packed — I believe we took our bags because we were  
[23] going to stay at a hotel or motel closer to the airport.  
[24] We were on the north side of Atlanta. I think the  
[25] airport is southeast and we were on the northwest — or

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[1] at any rate, I believe we took our bags and we drove  
[2] around the beltway there, if you will.

[3] Q: What car?

[4] A: We were in the Lincoln Towncar.

[5] Q: What did you do with the other car that you had  
[6] rented?

[7] A: I believe we took it back, and there was nobody  
[8] there at the rental agency, and I think we just dropped  
[9] it off. And I think they had a key box or something, I'm  
[10] not — I know — it seems like there wasn't anybody there  
[11] and we just dropped it off, locked it up, put the keys in  
[12] a drop.

[13] The — we were in the Lincoln Towncar that  
[14] Steve had rented, and so we drove around the beltway and  
[15] headed west and we — I think it was about 50 miles out  
[16] west of Atlanta, seems like about due west on one of the  
[17] main roads. I'm not sure whether there was an interstate  
[18] or not, but we went to a James River plant that printed  
[19] board like ice cream cartons and frozen food cartons of  
[20] different shapes and descriptions.

[21] They had a real elaborate line up of  
[22] 60-inch sheet-fed presses and — it was a real mass  
[23] assembly, real neat production system they had, I  
[24] remember, and we were looking at the high velocity drying  
[25] system on the — that Printing Research built on the

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[1] 60-inch presses, and the sales rep for the Atlanta area,  
[2] a lady named Susan Siem, met us at this James River plant  
[3] and she went with us as the — I believe the pressroom  
[4] manager took us through to the pressroom, and we were  
[5] able to view the equipment and talk to the personnel on  
[6] the presses about the effectiveness of this equipment,  
[7] how it worked.

[8] And it's kind of tucked away so you can't  
[9] see it really, really good, but at any rate, we observed  
[10] this high-velocity drying system. It was on, I think,  
[11] the last two units, I believe, of a six-color, maybe the  
[12] last three. It wasn't totally interstation.

[13] And at some point there we left, headed  
[14] back into Atlanta, stopped and had lunch, and we went to  
[15] a commercial printing plant, and I can't think of the —  
[16] I say commercial. They specialized in printing plastic.

[17] And our goal there was to observe on a  
[18] 40-inch Heidelberg Speedmaster, Printing Research's cold  
[19] UV drying system. They had a full inner deck and  
[20] end-of-press UV or ultraviolet cure drying system. And  
[21] we visited with those people.

[22] I don't remember whether Susan Siem came  
[23] with — well, I'm sure she did. She knew everybody in  
[24] Atlanta, or seemed to, in printing. So anyway, we  
[25] visited with them for a good long while.

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[1] Q: Did she ride with you?  
[2] A: I think — no, she was in her car, I believe  
[3] because we —  
[4] Q: Did you have lunch?  
[5] A: Yes, we — yes, sir, we had lunch.  
[6] Q: Was Susan Siem with you?  
[7] A: I'm pretty sure she stayed with us for that,  
[8] yeah.  
[9] Q: Where did you have lunch?  
[10] A: I can't — it was someplace near this plant. It  
[11] was Tex-Mex, I remember that, but I can't remember the  
[12] name of the place. I can't remember the name of the  
[13] restaurant. It wasn't a chain or something like they  
[14] have —  
[15] Q: They call that Tex-George.  
[16] A: Oh, okay. But it was okay. It wasn't as good  
[17] as Tex-Mex in Texas.  
[18] Q: Okay.  
[19] A: But we had a good visit with these people. They  
[20] had a fulfillment operation as well as — you know, which  
[21] is kind of warehouse distribution literature, stuff like  
[22] that, that we also did. It was interesting to visit with  
[23] them, and they had a good report on the effectiveness of  
[24] this drying system with printing plastics. They seemed  
[25] to print a lot of plastic on this 40-inch press.

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[1] And we — I think we wound the day up at  
[2] that point and went — it seems to me like we checked in  
[3] near the airport, and I think I left the next day. And I  
[4] think Jesse stayed over to call on some customers. I'm  
[5] not sure when he came back. I don't think he and I came  
[6] back — returned together. I think he stayed there to —  
[7] you know, we had customers in Atlanta we called on.  
[8] Q: Did you have a return ticket?  
[9] A: Yes, I'm sure I had to. I got back. And so  
[10] I —  
[11] Q: Is it one you paid for?  
[12] A: No, Jesse bought the tickets. I think he bought  
[13] the tickets on Saturday or before — I don't remember  
[14] whether he — I don't remember when we bought the tickets  
[15] really. He took care of it, I know that.  
[16] Q: You didn't spend even one measly dollar?  
[17] A: I got by pretty light, yes, sir.  
[18] Q: Huh?  
[19] A: I don't recall spending anything there. I think  
[20] I bought a — out at Stone Mountain I bought a little  
[21] jelly jar in the shape of a peach and my wife still has  
[22] it. She likes it, for some reason. I think I bought  
[23] that, and that was the only thing I recall spending any  
[24] money on.  
[25] Q: What was it, now?

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[1] A: It was a little jelly jar in the shape of a  
[2] peach for the peach state of Georgia.  
[3] Q: Does it come to you now what the name of the  
[4] plant was that you visited other than James River?  
[5] A: I remember the pressman. There was a very — as  
[6] some good pressman are, he was a very articulate fellow  
[7] and his name was Rocky, first name was Rocky, and I  
[8] cannot, save my life, remember the name of that plant.  
[9] Q: Was that Rocky one, Rocky two, or Rocky three?  
[10] A: I don't remember.  
[11] Q: Well, let me just try a name out on you,  
[12] American Graphics?  
[13] A: That was it, yeah, that was it.  
[14] Q: Do you remember any other names there other than  
[15] Rocky?  
[16] A: Jesse talked to the plant manager and — but I  
[17] don't remember his name. I just remember the pressman  
[18] was a very helpful nice fellow.  
[19] Q: Was Baker still with you?  
[20] A: Oh, yes, sir.  
[21] Q: He was driving?  
[22] A: Yes, sir.  
[23] Q: And Susan Siem may or may not have been with  
[24] you; is that it?  
[25] A: I think she was with us through there, that

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[1] plant, but I don't remember for certain.  
[2] Q: Where did she finally go, as far as you know, or  
[3] how did you become separated from her, is a better way to  
[4] put it?  
[5] A: Well, she was in her car, so I suppose she — I  
[6] think she left after we — in the parking lot when we  
[7] left that plant, I believe she left at that point.  
[8] Q: What time of day was it?  
[9] A: It was late afternoon, I would say, about 3:00  
[10] or 4:00, maybe a little later.  
[11] Q: Now, was it Monday that you visited the  
[12] James River plant?  
[13] A: Yes, sir.  
[14] Q: Can you tell me more detail about your visit to  
[15] the James River plant including anyone you remember?  
[16] A: I don't remember the gentleman who was the  
[17] pressroom manager, but I remember we met up front in the  
[18] reception area and he took us back and it was a — like I  
[19] said, it was a real neat plant set up for production.  
[20] They loaded the skids up in an interesting rack system  
[21] after the delivery end of the press where they would  
[22] first in, last out and — or first in, first out, I  
[23] guess — no.  
[24] But they went on down and they had a wax  
[25] unit and there was a big flame about this wide where this

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[1] 60-inch sheet would go through and heat — the wax went  
[2] on this — it was ice cream cartons. It was real  
[3] interesting the way they produced those. I remember  
[4] that.  
[5] And then past that the skids were skidded  
[6] up and then I believe the dye cutting for the cartons was  
[7] in another — another room, I believe.  
[8] Q: No names come to mind?  
[9] A: No, sir, I don't remember that.  
[10] Q: When you got back to Dallas did you call Steve  
[11] Baker?  
[12] A: I'm sure we did because we had talked about  
[13] several different pieces of equipment. He may have  
[14] called us.  
[15] Q: This is a point of logic you're using to tell me  
[16] that, correct?  
[17] A: Yes, sir.  
[18] Q: How did you get to the airport in Atlanta?  
[19] A: Well, Steve took us to a hotel near the airport,  
[20] and I believe I just took a shuttle over there the next  
[21] day. I think I came back Tuesday.  
[22] Q: Tuesday?  
[23] A: Yes, sir, I believe that's right.  
[24] Q: Did you have any kind of follow-up contact with  
[25] Susan Siem, for example, a call or a letter?

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[1] A: I don't recall doing so.  
[2] Q: When was your Heidelberg seven-color press  
[3] installed and started up?  
[4] A: I believe September or October. It may have  
[5] came in in September and we got it running in October, I  
[6] believe.  
[7] Q: I have information that you have a letter in  
[8] here, which is not too important, generally, but which  
[9] indicates on 10-14-94 you were saying that the Heidelberg  
[10] seven-color had installation and start up with the  
[11] smoothest in my 20 years with the company. And that was  
[12] 10-14-94, and that's consistent with what you're telling  
[13] me, isn't it?  
[14] A: Yes, sir.  
[15] Q: That it was September or October?  
[16] A: Yes, sir.  
[17] Q: Of '94.  
[18] A: Uh-huh.  
[19] Q: Now, on a Heidelberg press a coating tower is  
[20] not the same by any means as a printing tower, is it?  
[21] A: Yes, sir, that's correct.  
[22] Q: Why is Heidelberg offering information about  
[23] flexo type plates for a coating tower in correspondence  
[24] with you?  
[25] MR. PINKERTON: Objection to the form.

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[1] THE WITNESS: Well, it wouldn't be unusual  
[2] to take an aqueous coating and spot coat that, which  
[3] would require the flexographic plate as opposed to just  
[4] using a printing blanket.  
[5] Q: (By Mr. Harris) Where would you — where would  
[6] you put the flexo type plates for the coating tower?  
[7] A: It would be mounted on what would be the blanket  
[8] location of the tower coater.  
[9] Q: Why would Heidelberg be offering information to  
[10] you about a chambered doctor system for a coating tower?  
[11] MR. PINKERTON: Object to the form.  
[12] THE WITNESS: That was an option that was  
[13] offered on their presses at that time.  
[14] Q: (By Mr. Harris) And is that a chambered doctor  
[15] system similar to that that's utilized on the coater that  
[16] comes from PRI?  
[17] A: Similar, yes, sir.  
[18] Q: Do you think they're just offering it so  
[19] potential customers will understand, is that the point?  
[20] A: It was an option with their tower coater system  
[21] to either accept the standard two-roll coating system or  
[22] to — for them to install an anilox roller with a  
[23] chambered doctor.  
[24] Q: It's fair to say, is it not, that you can't  
[25] practice your 363 invention or process with the

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[1] flexography being laid down in the first coating tower?  
[2] A: That would be fair to say.  
[3] (Deposition Exhibit 7 marked)  
[4] Q: (By Mr. Harris) I have provided you with  
[5] Exhibit 7, what's been marked that way, which is Bates  
[6] number W000298, agreed?  
[7] A: Yes, sir.  
[8] Q: Can you tell me what this is?  
[9] A: It's a letter from Bob Boyer, who is the  
[10] regional manager of Heidelberg USA at this time in  
[11] November the 8th, 1994, to Jerry and Jesse Williamson.  
[12] Q: And does it relate to what we have been  
[13] discussing?  
[14] A: Yes, sir.  
[15] Q: Did you, as in the second paragraph, place an  
[16] order immediately for the special plate clamps?  
[17] A: I don't believe we did.  
[18] Q: Did you ever get such plate clamps?  
[19] A: Yes, sir.  
[20] Q: And how have you utilized them?  
[21] A: They were installed on the third press we put on  
[22] our floor, the new press, the so-called LYL press on both  
[23] towers. It featured two tower coaters.  
[24] Q: I see. An intermediate tower, but not a coater;  
[25] is that right?



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[1] A: Yes, sir, there was a drying — so-called drying  
[2] stub.  
[3] Q: You are copied on this letter, right?  
[4] A: Yes, sir  
[5] Q: Does it have anything at all to do with the 363  
[6] invention?  
[7] A: Well, the demonstration that Bob suggested of  
[8] the chambered doctor system we said would be a real  
[9] opportunity to practice that, be it an off-line or  
[10] two-pass method, and once we received this we began  
[11] putting film in plates — or film to make plates together  
[12] and preparing to do a test in Germany.  
[13] As it turned out, this December 10th, '94  
[14] date fell through and we didn't go to Germany until mid  
[15] January  
[16] Q: Okay. So this was a precursor or leads up in  
[17] one way or another to your January trip, right?  
[18] A: Yes, sir  
[19] Q: In '95, January of '95?  
[20] A: Yes, sir  
[21] Q: And that was a two-pass and not an in-line,  
[22] wasn't it?  
[23] A: Yes, sir  
[24] Q: Okay. Isn't it true that you were doubtful that  
[25] you could utilize a one-pass system at the time that you

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[1] were following up on the two-pass, that there was doubt  
[2] in your mind?  
[3] MR. PINKERTON: Object to the form.  
[4] THE WITNESS: No, sir, not at all.  
[5] Q: (By Mr. Harris) Then why did you do the  
[6] two-pass?  
[7] A: It was expedient to do so. It would give us  
[8] some pretty sheets to look at and say this is what we're  
[9] going to do once we get the various apparatus in place to  
[10] do the — do our invention.  
[11] Q: Sir, I want to be sure I understand. Are you  
[12] telling me that you knew that this was going to work just  
[13] fine, but that you went ahead and went to the trouble of  
[14] doing the two-pass anyway?  
[15] A: That's correct.  
[16] Q: And is that the only explanation you have of  
[17] why?  
[18] A: Well, as suggested here, of course, the  
[19] demonstration of their chambered doctor system was part  
[20] of the test, too.  
[21] Q: Well, is that one of the reasons, too?  
[22] A: That was one of the reasons, to see how their  
[23] system worked.  
[24] Q: Well, did you think that you might somehow  
[25] utilize their system then instead of going forward with

[1] your intention?  
[2] A: If they would agree to build a tower coater just  
[3] after the feeder upstream, that would have been a  
[4] possibility.  
[5] Q: Did you discuss that with them?  
[6] A: There was some discussion about that.  
[7] Q: Who did you discuss it with?  
[8] A: I believe their technical man, Peter Schwaab, I  
[9] believe we might have discussed that with him, and their  
[10] demonstration floor guy, Klaus Sauer. I think their  
[11] reaction was they had never done that and they would be  
[12] reluctant to do so, was their — the Germans are very  
[13] conservative, and they just didn't seem to have any  
[14] interest at all in doing that at that time.  
[15] (Deposition Exhibit 8 marked)  
[16] Q: (By Mr. Harris) Sir, I placed before you  
[17] W000299, which has been marked Exhibit 8, agreed?  
[18] A: Yes, sir.  
[19] Q: Is it your understanding that this particular  
[20] letter refers back to a 10-26-94 letter from John Downey  
[21] or Dowey — how is it?  
[22] A: Dowey, yes, sir.  
[23] MR. PINKERTON: Object to the form.  
[24] THE WITNESS: Yes, a letter or memorandum  
[25] from John Dowey is mentioned. That would be from John

[1] Dowey in Atlanta to Bob Boyer, I believe, maybe it was  
[2] Bob Emrick, but that is mentioned, that memorandum is  
[3] mentioned. And Jerry is asking us about the logic for  
[4] putting the clamps, plate clamps on our tower coater or  
[5] coating tower.  
[6] Q: (By Mr. Harris) And plate clamps for a coating  
[7] tower would not allow you to lay down flexo followed by  
[8] litho in a single pass, would it?  
[9] MR. PINKERTON: Object to the form.  
[10] THE WITNESS: No, the plate clamps were to  
[11] facilitate a better registration of the flexographic  
[12] plate.  
[13] Q: (By Mr. Harris) Would no be a fair answer?  
[14] MR. PINKERTON: Object to the form.  
[15] THE WITNESS: I didn't understand the  
[16] question, apparently.  
[17] MR. HARRIS: Would you read back the  
[18] question, please? I'm not sure I can restate it?  
[19] (Requested text read)  
[20] MR. PINKERTON: I object to the form and  
[21] object to the interruption of the witness giving an  
[22] answer.  
[23] THE WITNESS: No would be correct in that  
[24] respect.  
[25] Q: (By Mr. Harris) And would you like to add

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[1] anything to that because your counsel is all jumping  
[2] around over there —

[3] **MR. PINKERTON:** Not wildly.

[4] **Q:** (By Mr. Harris) — worried that you haven't  
[5] gotten to say what you want to say?

[6] **A:** Well, these plate clamps were for an  
[7] end-of-press tower coater. They were to facilitate a  
[8] better registration of the flexographic plate mounted on  
[9] the blanket cylinder of the tower coater. You've got to  
[10] remember that prior to DRUPA in 1995, May of '95, all  
[11] Heidelberg presses that had tower coaters on them, all of  
[12] the rest of the printing units had to be registered to  
[13] the tower coater. This was painful. It could be  
[14] bothersome

[15] These plate clamps were a half measure to  
[16] improve that making it easier to get fit registration  
[17] between the images on the tower coater and rest of the  
[18] images printed by the press. That was fixed in '95. The  
[19] new machines you were — you could register them just as  
[20] a printing unit, unit-to-unit color-to-color, color to  
[21] the tower coater.

[22] **Q:** Does that pretty well cover the subject?

[23] **A:** I guess so.

[24] **Q:** And it's still a fair answer to the question  
[25] itself, no, isn't it?

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[1] **A:** On this particular tower coater, yes, sir,  
[2] that's correct.

[3] **Q:** Okay.

[4] (Deposition Exhibit 9 marked)

[5] **Q:** (By Mr. Harris) W000256 has been marked  
[6] Exhibit 9 and you are holding it, correct?

[7] **A:** Yes, sir.

[8] **Q:** And this is the letter that's referred to in  
[9] Exhibit 8, isn't it?

[10] **A:** I believe so.

[11] **Q:** And John Dowe at that time was with the  
[12] company — Dowe?

[13] **A:** With Heidelberg.

[14] **Q:** With Heidelberg, I'm sorry. I was mixed up.  
[15] With Heidelberg?

[16] **A:** Yes, sir.

[17] **Q:** And who is Hans Peetz-Larsen?

[18] **A:** At that time he was president of Heidelberg USA.

[19] **Q:** Is he not still?

[20] **A:** No, sir, he is the president of Heidelberg  
[21] America. He got a promotion.

[22] **Q:** That's a different company?

[23] **A:** Well, it's Canada and Mexico included.

[24] **Q:** I see.

[25] **A:** Bigger territory.

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[1] **Q:** At times an LYL type of printing unit or a  
[2] Heidelberg press that has the LYL is called a triple  
[3] tower press, isn't it?

[4] **A:** Yes, sir.

[5] **Q:** And as we talked previously, two of those are  
[6] coating towers and an intermediate one has to do with  
[7] drying?

[8] **A:** Yes, sir.

[9] **Q:** In order to practice the 363 process, that is of  
[10] your invention, does one have to apply sealer over the  
[11] flexographic printing before printing lithographically?

[12] **A:** No, sir.

[13] (Deposition Exhibit 10 marked)

[14] **Q:** (By Mr. Harris) Now, you have W000301 marked  
[15] Exhibit 10, do you not?

[16] **A:** Yes, sir.

[17] **Q:** And my question on it is really very simple. It  
[18] is a company memo, is it not?

[19] **A:** Yes, sir.

[20] **Q:** And the second part of the question is: This  
[21] really doesn't have anything to do with the 363?

[22] **MR. PINKERTON:** Objection to form.

[23] **Q:** (By Mr. Harris) This doesn't have anything to  
[24] do with the 363, does it?

[25] **MR. PINKERTON:** The witness needs to have

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[1] an opportunity to read the document, Counsel, before he  
[2] answers it.

[3] **MR. HARRIS:** I'm not asking him to answer  
[4] it before that. Why in the world are you saying such a  
[5] thing?

[6] **MR. PINKERTON:** I thought you were trying  
[7] to rush him.

[8] **MR. HARRIS:** Well, you often misjudge me.

[9] **MR. PINKERTON:** If I did, I apologize, but  
[10] he needs to have a fair opportunity to read the document.

[11] **THE WITNESS:** On page two, paragraph four,  
[12] would reference that.

[13] **Q:** (By Mr. Harris) Well, you wouldn't be applying  
[14] anything by lithography in four, would you?

[15] **A:** That's the — yeah, I see. This has reference  
[16] with the technique we were using on the two towers.

[17] **Q:** So now if I went back to my question if it has  
[18] anything to do with the 363, would you give me an answer?

[19] **MR. PINKERTON:** Object to the form of the  
[20] question. He needs to review the document. I don't  
[21] think he's had time to fully review it.

[22] **MR. HARRIS:** He got all the way down to  
[23] four on the second page.

[24] **MR. PINKERTON:** He skipped through the  
[25] first page.

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[1] THE WITNESS: I guess paragraph six on the  
[2] first page has to do with that.  
[3] Q: (By Mr. Harris) I'll take the look at it.  
[4] A: Where it talks about putting flexo metallics or  
[5] some other PMS colors on one of the printing towers and  
[6] having — using the plate clamp system to better bring  
[7] into registration a flexographic plate mounted on the  
[8] blanket cylinder.  
[9] Q: So six describes your invention; is that right?  
[10] MR. PINKERTON: Objection to the form of  
[11] the question.  
[12] THE WITNESS: No.  
[13] Q: (By Mr. Harris) What?  
[14] A: It doesn't describe our invention. It just  
[15] talks about a portion of it where we would have a better  
[16] method of registering a flexographic printing plate on  
[17] the blanket cylinder of one of the printing units of one  
[18] of our multicolor presses that's needed to bring that  
[19] unit into registration with the other colors to be  
[20] applied downstream.  
[21] Q: Well, which one of — it doesn't say which one  
[22] of the units, either, does it?  
[23] A: No, sir.  
[24] Q: It could be the last unit. What do you call it,  
[25] the delivery unit?

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[1] A: It could be a unit near the feeder or delivery.  
[2] Q: The feeder or it could be the delivery, right?  
[3] A: Uh-huh.  
[4] Q: All right. Let me try the question a little bit  
[5] different. Except in most general form, this doesn't  
[6] have anything to do with the 363 patent, does it?  
[7] MR. PINKERTON: Object to the form of the  
[8] question.  
[9] THE WITNESS: Except in general, I would  
[10] say so, it doesn't have.  
[11] Q: (By Mr. Harris) I think I'll take a minute  
[12] more. In great detail describe what Exhibit 6 means and  
[13] relate it to your invention.  
[14] A: Well, we're talking about running metallic ink,  
[15] flexo or PMS colors on one of the printing units, and we  
[16] asked Heidelberg, John Dowey specifically, about their  
[17] plate clamp system, which could be installed on the  
[18] blanket cylinder in lieu of the standard blanket reel  
[19] lock up, and it would let you register a flexographic  
[20] plate of whatever type you might want to mount on there,  
[21] it would let you bring that into registration with the  
[22] other colors in that multicolor printing press.  
[23] Q: Would you describe the locations and the  
[24] relative manner of printing to me?  
[25] A: Well, to do the 363 we'd obviously want it

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[1] upstream several, at least four or five, of the printing  
[2] units.  
[3] Q: And if you didn't, where would you put it?  
[4] A: What? Beg your pardon?  
[5] Q: You conditioned your answer on the 363.  
[6] A: Uh-huh.  
[7] Q: Instead of making it fit the 363, tell me  
[8] necessarily which unit it's put on?  
[9] MR. PINKERTON: Object to the form of the  
[10] question.  
[11] THE WITNESS: Well, I just stated here just  
[12] one of the printing units.  
[13] Q: (By Mr. Harris) Any one?  
[14] A: I did not — this is not specific.  
[15] Q: Okay. And so I'm afraid I'm being repetitious  
[16] here, but to be sure what we're talking about, if it were  
[17] the — what do you call it, the delivery unit, that's the  
[18] last one?  
[19] A: Uh-huh.  
[20] Q: It certainly wouldn't be the 363, would it?  
[21] A: No, it would not.  
[22] Q: All right. And by the way, it doesn't say which  
[23] one, does it?  
[24] A: No, there is no unit specified.  
[25] Q: I have seen reference in a letter from you to

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[1] Jerry Williamson to a cartridge coater system. What do  
[2] you mean?  
[3] A: I think that's referring to that chambered  
[4] doctor anilox roller system that actually Printing  
[5] Research had a device that, for lack of a better, it was  
[6] kind of a — I would refer to it as a cartridge. I think  
[7] their original EZ Coater was slipped up under the  
[8] delivery end of the press and they created a cylinder to  
[9] apply coatings against using the delivery drum, if you  
[10] will, to apply coatings with.  
[11] And that — it would — to me it was  
[12] always — it looked kind of like a little — it was like  
[13] a little cartridge.  
[14] Q: I see.  
[15] A: Just for lack of a better description.  
[16] Q: Would that have been one of the series of the  
[17] EZ Coater, cartridge coater system?  
[18] A: Yes, sir.  
[19] Q: Okay.  
[20] (Deposition Exhibit 11 marked)  
[21] Q: (By Mr. Harris) Exhibit 11, W000340, is before  
[22] you now. Could you tell me in a general sense what it  
[23] is?  
[24] A: It's an internal memorandum from me to Jerry  
[25] Williamson responding to some questions he had regarding

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[1] several items. I need to read it through a little more  
[2] thoroughly.  
[3] Q: Certainly.  
[4] A: I think I have read it through.  
[5] Q: Directing your attention to paragraph two, is  
[6] that where you make your reference to the cartridge  
[7] coater?  
[8] A: Yes, sir.  
[9] Q: And what you just described was the type of an  
[10] apparatus that that makes reference to?  
[11] A: Yes, sir.  
[12] (Deposition Exhibit 12 marked)  
[13] Q: (By Mr. Harris) When you have been over it to  
[14] where you are familiar with it and ready, I have a  
[15] question or two. Let me know.  
[16] A: I think I have read this over.  
[17] Q: Okay. Have you ever seen this before?  
[18] A: I believe so, maybe in some of the discovery.  
[19] Q: Is this Exhibit 12 —  
[20] MR. PINKERTON: Uh-huh.  
[21] Q: (By Mr. Harris) — which is PRI00699. Do you  
[22] know what Exhibit 12 is or what it relates to?  
[23] A: It's apparently a report of a demonstration  
[24] conducted by Printing Research at their — on their press  
[25] they have set up for testing, for demonstration.

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[1] Q: Were you connected with this some way?  
[2] A: Yes, I was.  
[3] Q: Explain to me.  
[4] A: Well, I sent, as noted here, sent a good deal of  
[5] paper stock, some flexographic inks, opaque white  
[6] specifically, I believe from Borden, and sent some of the  
[7] Wolstenholme gold, and I believe silver — gold and  
[8] silver metallics, and the relief plates I sent over were  
[9] the Cyril, DuPont Cyril, the polyfibron, one of their  
[10] relief plates, which they had recommended for our use  
[11] and a BASF relief plate recommended for use in our  
[12] process.  
[13] Q: Were you aware of the fact that some so-called  
[14] Rexham plates were also being used and those were being  
[15] provided by Printing Research?  
[16] A: I don't recall that, no.  
[17] Q: You see the notation, don't you?  
[18] A: Yes, sir.  
[19] Q: And also that — what's this Rexham  
[20] pearlescents, what would that be?  
[21] MR. PINKERTON: If you know.  
[22] Q: (By Mr. Harris) If you know what that means?  
[23] Forget the word Rexham, that's a company, I know.  
[24] A: Yeah, it's just a coating, some kind of a  
[25] pearl-looking coating.

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[1] Q: So if one takes this literally, well, then there  
[2] were some of your materials there and some of this  
[3] so-called Rexham material there at the test, right?  
[4] A: Yeah, we sent over, looks like about four  
[5] different coatings, and I guess we used some of the  
[6] pearlescents, too.  
[7] Q: And did you go?  
[8] A: Yes, sir.  
[9] Q: And how was it conducted?  
[10] A: Well, we had an order of things we wanted to see  
[11] demonstrated, and they mounted the various plates and  
[12] demonstrated the capability of their equipment.  
[13] Q: Do you — sorry, finish, please.  
[14] A: Our goal was to evaluate the different plates,  
[15] especially which would print with the best resolution.  
[16] And also the coatings, I wanted to evaluate the coatings  
[17] from Wolstenholme and see how effective they were and how  
[18] well we could — the slurry we sent, as I recall, was a  
[19] scratch and sniff garlic flavored, and it worked real  
[20] well, but we didn't know how well that particular  
[21] material would — we knew that the metallic inks would  
[22] and the opaque flexo inks would work.  
[23] Q: Whose writing is on this, do you know?  
[24] A: I don't know.  
[25] Q: Who was present at the test besides you?

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[1] A: Well, the pressman, a fellow named Terry  
[2] Britton.  
[3] Q: With PRI?  
[4] A: Yes, and then I'm sure that probably John Bird  
[5] and Steve Baker and Steve Garner.  
[6] Q: Okay.  
[7] A: And Mr. DeMoore.  
[8] Q: Wait a minute. When you say probably, you mean  
[9] probably? You don't know; is that right?  
[10] A: Well, all of those guys were in and out, as I  
[11] recall, and several more fellows there at Printing  
[12] Research during the test.  
[13] Q: Who directed, if anyone?  
[14] A: Well, I was given instructions about what we  
[15] wanted to see demonstrated to the pressman.  
[16] Q: Well, tell me, if you can, who wrote the purpose  
[17] down here?  
[18] A: I don't know who did that.  
[19] Q: You see it here, apply metallic flexo type inks,  
[20] including pearlescents between printing units and  
[21] overprint with regular inks all in line, you didn't do  
[22] that, did you?  
[23] MR. PINKERTON: Object to the form of the  
[24] question.  
[25] Q: (By Mr. Harris) Read the purpose to yourself.

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[1] Have you read it?  
[2] A: Yeah, there was nothing printed between units.  
[3] We used an end of the press plate blanket coater, a rack  
[4] back device.  
[5] Q: So the purpose was not approached, was it?  
[6] MR. PINKERTON: Object to the form.  
[7] Q: (By Mr. Harris) You were there?  
[8] A: I don't suppose so.  
[9] Q: You said you were conducting it, didn't you, or  
[10] directing it?  
[11] A: Well, what I wanted to see was the plates that  
[12] we had sent over from Cyril or DuPont, BASF and  
[13] polyfibrion, wanted to see them demonstrated and see how  
[14] they'd print, see what dots — the finest dot it would  
[15] reproduce and the — what might — in the shadow dots  
[16] what might plug up with coating, and also I said this  
[17] slurry and the opaque white, how strongly that could be  
[18] applied.  
[19] We sent some rather dark-colored stock over  
[20] to demonstrate that. Those were the things that I was  
[21] interested in.  
[22] Q: Well, let's direct to the purpose again. I just  
[23] want to be sure about this. I heard what you said and I  
[24] understand what you were trying to do, I believe, but  
[25] this purpose says apply metallic flexo type inks,

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[1] including pearlescents between printing units and  
[2] overprint with regular inks all in line. That was not  
[3] your objective, was it?  
[4] MR. PINKERTON: Object to the form of the  
[5] question. Counsel, he didn't write the document and —  
[6] THE WITNESS: Yeah, I —  
[7] MR. HARRIS: Oh, come on, Counsel, you're  
[8] just interfering.  
[9] MR. PINKERTON: I am? I mean, you're  
[10] trying to get him to make something —  
[11] MR. HARRIS: You're just interfering.  
[12] MR. PINKERTON: Okay. I'm objecting to the  
[13] form of the question. You're asking him to assume  
[14] something that's not in evidence. You're asking about a  
[15] document that he didn't write that you want his  
[16] interpretation of. My objection stands.  
[17] MR. HARRIS: Fine. You get that struck at  
[18] the trial. You have that right.  
[19] MR. PINKERTON: My objection stands.  
[20] That's it. I'm objecting. Go ahead.  
[21] MR. HARRIS: You object too long and too  
[22] loud.  
[23] MR. PINKERTON: I'm sorry. I happen to  
[24] think it was appropriate.  
[25] THE WITNESS: I really don't know what this

[1] purpose — I don't know what — like I said, I didn't  
[2] write it, I don't know what the idea was.  
[3] Q: (By Mr. Harris) But you were the man that was  
[4] directing the test, right?  
[5] A: The test that we observed, yes.  
[6] Q: Okay. And who wrote the purpose, you don't  
[7] know?  
[8] A: No, sir.  
[9] Q: So you don't know who wrote the so-called  
[10] purpose of the real test that you did?  
[11] MR. PINKERTON: Object to the form.  
[12] THE WITNESS: Well, our test was, like I  
[13] said, to evaluate plates —  
[14] Q: (By Mr. Harris) I'm with you on that.  
[15] A: — coatings.  
[16] Q: I'm with you on that. I was just surprised to  
[17] see this language and I was trying to figure out where it  
[18] came from?  
[19] MR. WILSON: We need to replace the tape in  
[20] the video.  
[21] MR. HARRIS: Okay. You want to eat?  
[22] MR. PINKERTON: Yeah, we can take a break  
[23] now if you want to, Bill.  
[24] VIDEOGRAPHER: We're off the record at  
[25] 12:07.

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[1] (Lunch recess)  
[2] VIDEOGRAPHER: We're on the record at 1:55.  
[3] (Deposition Exhibits 13-14 marked)  
[4] Q: (By Mr. Harris) You have been provided with  
[5] W000346. Is that Exhibit 13?  
[6] A: Yes, sir.  
[7] Q: That is a memo of yours, is it not?  
[8] A: Yes, sir.  
[9] Q: And you can identify it, recall it?  
[10] A: Yes, sir.  
[11] Q: Looking at number four, only paragraph four.  
[12] You can look at anything else you want to, but I'm  
[13] directing your attention to four. It states, "I am  
[14] working on a detailed report of the testing done at  
[15] Printing Research," and it goes on, you see.  
[16] Did you complete such a detailed report?  
[17] A: Don't believe I did.  
[18] Q: We can't find one in the materials furnished. I  
[19] just —  
[20] A: I have not found one in my records, either. I  
[21] don't —  
[22] Q: You don't believe you completed it?  
[23] A: No, sir.  
[24] Q: Did you do a partial one?  
[25] A: Because of the work load and the press

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[1] installations, I failed — and a trip to Germany in this  
[2] same time frame, I did not do that.  
[3] Q: Speak of Germany, I now direct your attention to  
[4] what has been marked as Exhibit 14, which is W000353.  
[5] MR. PINKERTON: I'm sorry, Bill, you are  
[6] referring now to 14?  
[7] MR. HARRIS: I believe it's 14.  
[8] MR. PINKERTON: I think on the record we  
[9] ought to just clarify, and you might want to ask Bill  
[10] about this. The date on Exhibit 13 is incorrect. It's  
[11] dated January 7, '94.  
[12] MR. HARRIS: Yeah, what is it? '95?  
[13] MR. PINKERTON: '95.  
[14] THE WITNESS: '95, yes.  
[15] Q: (By Mr. Harris) Is that correct, Mr. Davis?  
[16] A: That is correct. The proper date —  
[17] Q: It's '95 instead of '94 on Exhibit 13?  
[18] A: Yes, sir.  
[19] Q: Getting back to 14. Was it true that one of  
[20] your objectives was to, quote, observe and note the test  
[21] results, close quote, of a chambered doctor system test?  
[22] A: Yes, sir.  
[23] Q: And did the chambered doctor system test include  
[24] printing flexo followed in a second pass by overprinting  
[25] with litho?

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[1] A: Yes, sir.  
[2] Q: Did you want to observe the — talking about you  
[3] personally, did you want to observe the gold and silver  
[4] particle size and microns?  
[5] A: Yes, sir.  
[6] Q: Did you do so?  
[7] A: We tested a new coating that Wolstenholme had  
[8] sent over from England. In fact, had been brought there,  
[9] I believe, by Michael Yates and Steve Clark, and it was  
[10] supposed to be of an increased particle size for added  
[11] brilliance, and that was what we tested of the  
[12] Wolstenholme material.  
[13] Q: Well, does the particle size in microns affect  
[14] the print quality?  
[15] A: It can make the gold images on the sheet more  
[16] brilliant, the larger chunks of metallic particles, gives  
[17] an added brilliance to the gold coating that you are  
[18] printing or in fact the gold ink if it were litho.  
[19] Q: So do you, Bill Davis, concern yourself with  
[20] print quality when you test a process?  
[21] MR. PINKERTON: Object to the form.  
[22] THE WITNESS: Well, that one aspect, yes.  
[23] In fact the Wolstenholme material did not test well. It  
[24] didn't have enough small particles around the big  
[25] particles, so you could see through it. It was too —

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[1] Q: I see.  
[2] A: Didn't test very well.  
[3] Q: Well, generalizing a bit more from that, do you,  
[4] Bill Davis, concern yourself with print quality when you  
[5] test a process?  
[6] A: That's one aspect that I would — yes.  
[7] Q: Do you sometimes on occasion interchangeably use  
[8] the phrases or terms printing and coating?  
[9] A: On occasion, yes, sir.  
[10] Q: And sometimes do you interchangeably use ink and  
[11] coating?  
[12] A: We might as it pertains to flexographic ink or  
[13] an aqueous coating.  
[14] Q: Did you testify previously that you told Michael  
[15] Yates about your ideas for the 363 invention in the fall  
[16] of 1992?  
[17] A: I don't recall Michael Yates visiting our plant.  
[18] Harry Bowyer and Ronald McDonald did visit our plant.  
[19] Q: Would your answer — I'm sorry. Are you  
[20] through?  
[21] A: And your question was did I —  
[22] Q: Did you testify previously that you told Michael  
[23] Yates about your ideas for the 363 invention in the fall  
[24] of 1992?  
[25] A: I don't believe so, no.

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[1] Q: And in any event, it's your now belief that you  
[2] did not do that; that is tell Michael Yates?  
[3] A: I don't recall doing so, no.  
[4] Q: Did you in 1993 tell Michael Yates about the 363  
[5] invention?  
[6] A: I don't recall doing that, no.  
[7] Q: Did you in '94?  
[8] A: Don't recall.  
[9] Q: Did you in '95?  
[10] A: Well, prior to our test in Germany we asked them  
[11] to provide a coating for that test.  
[12] Q: That's the January of '95 test?  
[13] A: Yes, sir, so we would have had to pass that  
[14] information. I believe the information got passed along  
[15] probably through Harry Bowyer. The test we had run in  
[16] the United States had utilized a coating made by M.D.  
[17] Booth Company in Boston, and we worked with a fellow up  
[18] there, Dick Marshall, at Harry's request, and they would  
[19] send down — they sent down the coatings for the test we  
[20] did at Printing Research in late '94. So at some point  
[21] we passed that information on, probably through Harry, to  
[22] Michael.  
[23] (Deposition Exhibit 15 marked)  
[24] Q: (By Mr. Harris) Would you please review  
[25] Exhibit 15, W000412, and identify it when you can with

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[1] some confidence.

[2] A: This is a memorandum from me to Jerry Williamson  
[3] and I copied Jesse Williamson, Bob Emrick, and Jim  
[4] Johnson, just kind of an update on — after our trip to  
[5] Germany in January. This is February the 6th.

[6] Q: Would you explain what you're talking about in  
[7] number one? What is the point of paragraph number one of  
[8] Exhibit 15?

[9] A: Well, it was my feeling that — first of all,  
[10] the question about needing a chambered doctor system had  
[11] to do, I believe, with getting a greater volume of  
[12] coating down on one of our tower coaters. And my idea  
[13] was to just add Printing Research's EZ Coater instead of  
[14] converting over to Heidelberg's factory-provided coater.

[15] The coater they provided was more  
[16] expensive, one was thing. But it was — you could change  
[17] backwards and forth between the standard coater and the  
[18] chambered doctor coater that they provided, but it was  
[19] like a four-hour or five-hour proposition that was too  
[20] slow. And there is some flexibility in just the little  
[21] simple two-roll coating system that they have as compared  
[22] to the anilox system.

[23] With anilox you have to have a rack with  
[24] expensive rollers in it and it's just a little — the  
[25] clean up is a little easier. It's a little simpler to

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[1] use than the chambered doctor system they offered, so  
[2] just a —

[3] Q: Now, the EZ Coater that you're talking about  
[4] from Printing Research is not a coater that has the  
[5] chambered doctor system or anilox; is that correct?

[6] A: No, it would be — it would have the —

[7] Q: Well, I don't believe I understand. Do I have  
[8] the two mixed up some way?

[9] A: No. The idea was that rather than retro fitting  
[10] a chambered doctor anilox system from Heidelberg, we  
[11] could use a chambered doctor anilox system from Printing  
[12] Research and still have the old coater. It was deployed  
[13] on the downstream side of the tower and still leave in  
[14] place the simple two-roll coating system originally  
[15] provided on the tower coater by Heidelberg.

[16] Q: Where was it contemplated under paragraph one,  
[17] the subject matter under paragraph one, that the coater  
[18] would be mounted, whether it be the Heidelberg coater or  
[19] the EZ Coater?

[20] A: It would be on a tower coater at the end of a  
[21] press.

[22] Q: What was the need for that equipment at the  
[23] time?

[24] A: I believe it was to get an additional volume on  
[25] to the — from the flexographic plate to the substraight.

[1] Q: What did you ultimately do in follow-up to  
[2] paragraph one?

[3] A: I believe we did just as I suggested here,  
[4] although I think it was some time later we did this  
[5] technique on the first tower of our LYL press.

[6] Q: What — when we talk about the EZ Coater in this  
[7] case, how was it configured? Was it a retractable type  
[8] of a coater?

[9] A: It would have been, yes, I mean, it was, in  
[10] fact.

[11] Q: Well, you got it, didn't you?

[12] A: Yes.

[13] Q: And it came from — indeed it came from Printing  
[14] Research?

[15] A: Uh-huh.

[16] Q: And it was one that they had been working on  
[17] toward making an interstation, was it not?

[18] MR. PINKERTON: Object to the form.

[19] THE WITNESS: I believe so. I'm not sure  
[20] what they'd planned.

[21] Q: (By Mr. Harris) Why — I'm wondering why you  
[22] did not use it as an interstation coater at that time in  
[23] accordance with your invention?

[24] A: Well, I believe that it was communicated to us  
[25] from Printing Research that to mount a coating unit, an

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[1] EZ Coater on the tower coater of — the press we chose  
[2] was our seven-color, our first press, it was expedient to  
[3] have it on the tower coater because there was a good deal  
[4] of work to be done once the very simple mechanism was  
[5] placed on that press on the tower coater at the end of  
[6] the press, and it just was easier to put it down there  
[7] and prove up that it would work in that position against  
[8] the blanket cylinder of that tower coater.

[9] Q: And if you had used the Heidelberg chambered  
[10] doctor system it would have been located in an analogous  
[11] position, would it not?

[12] A: It would have been located there at the tower  
[13] coater.

[14] Q: Same place?

[15] A: Yes, true.

[16] Q: And your desire under number one was not for an  
[17] interstation at that time, was it, the need you were  
[18] addressing under number one?

[19] A: Well, the installation on a tower coater was a  
[20] different matter. Later on we did employ this, but it  
[21] was an issue of volume. But our first request had always  
[22] been an interstation device.

[23] Q: Number one does not talk about an interstation  
[24] device, does it?

[25] A: No.

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[1] Q: And number one is directed to an end type  
[2] device, is it not, as far as its language is concerned?  
[3] A: Well, it mentions a tower coater, which that is  
[4] assumed it would be at the end of the press.  
[5] Q: Is the relief plates a quite separate topic  
[6] under paragraph two, what's it about?  
[7] A: Well, just a discussion about the relief plates  
[8] that we had tested heretofore and the availability of the  
[9] different — the three different major brands that were  
[10] available at that time.  
[11] Q: There is no particular relation between  
[12] paragraph two and the 363 invention, is there?  
[13] MR. PINKERTON: Object to the form.  
[14] THE WITNESS: Well, the 363 requires a  
[15] relief plate to do what we wanted to do with it.  
[16] Q: (By Mr. Harris) Well, let me try it a little  
[17] bit differently. Under number two were you addressing  
[18] the subject of relief plates for that purpose or for a  
[19] different purpose?  
[20] A: Well, the relief plates we were testing was  
[21] tested for that purpose, and this has to do with the way  
[22] the plate is made so that it will be the correct  
[23] measurement around the cylinder, if you will, it's very  
[24] critical to fit the dots in the color process work, you  
[25] have to have a good fit registration characteristic

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[1] around the cylinder. And that's what this discussion is  
[2] about, is how to go about making a plate with using a  
[3] rotary exposure unit so that we could accomplish that  
[4] process.  
[5] Q: And that's true no matter where you mount the  
[6] coater, isn't it?  
[7] MR. PINKERTON: Object to the form.  
[8] THE WITNESS: If you're trying to register  
[9] to any other work before or after, that would be true, it  
[10] has to fit.  
[11] Q: (By Mr. Harris) So while it has its aspect in  
[12] the 363 it has general aspects also, does it not?  
[13] A: Yes, sir, that's correct.  
[14] Q: Who at Printing Research told you, Mr. Davis, to  
[15] place the EZ Coater on your press rather than  
[16] interstation on the last part of your press rather than  
[17] interstation?  
[18] MR. PINKERTON: Object to the form.  
[19] MR. HARRIS: Is that clear? I kind of  
[20] garbled it in the middle.  
[21] THE WITNESS: I'm not sure. Maybe  
[22] John Bird, I'm not sure.  
[23] Q: (By Mr. Harris) You don't know?  
[24] A: That may have came through John Bird, I'm really  
[25] not sure.

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[1] Q: You did understand the question? I sort of  
[2] garbled it.  
[3] A: Yes, sir.  
[4] (Deposition Exhibit 16 marked)  
[5] Q: (By Mr. Harris) You have Exhibit 16, which is  
[6] PRI00671?  
[7] A: Yes.  
[8] Q: Wait a minute. I've got that wrong.  
[9] MR. HARRIS: What's this say 14 on there  
[10] for?  
[11] MR. WILSON: That's just somebody's  
[12] marginalia on there.  
[13] MR. HARRIS: That's not significant?  
[14] MR. WILSON: Not as far as I know.  
[15] Q: (By Mr. Harris) I don't know whether or not you  
[16] have had this particular memo before or seen it, have  
[17] you?  
[18] A: I don't recall seeing this.  
[19] Q: If you'd look at — what is B, press number  
[20] three, is that one of your presses?  
[21] A: Yes, that was the LYL or so-called — also  
[22] called triple tower press.  
[23] Q: Is that the one that finally the EZ blanket  
[24] coater was installed on?  
[25] A: Yes, sir.

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[1] Q: Would you look at that paragraph and tell me in  
[2] accordance with your recollection if it was accurate?  
[3] A: What was the question as to the accuracy?  
[4] Q: In accordance with your recollection of the  
[5] situation, at that time is that an accurate statement in  
[6] the paragraph?  
[7] MR. PINKERTON: Even though he didn't write  
[8] the document?  
[9] MR. HARRIS: Sure.  
[10] THE WITNESS: I don't really recall. I  
[11] mean, the unit was not installed on one of our presses  
[12] until later than March of '95. Some time at the end of  
[13] February we installed an EZ Coater on the tower coater of  
[14] our seven-color press, but I sure don't —  
[15] Q: You can't make this gel, then?  
[16] A: As far as the installation on the first tower or  
[17] the triple tower press, that occurred some time later. I  
[18] thought over in '96, maybe.  
[19] Q: Was the coater that was installed supplied by  
[20] PRI?  
[21] A: Yes, sir.  
[22] Q: And it was the first — and it was installed on  
[23] the first coating tower of the LYL?  
[24] A: Yes, sir.  
[25] MR. HARRIS: Give me about five minutes. I



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[1] want to confer with my confederate here.  
[2] **MR. PINKERTON:** Okay.  
[3] **VIDEOGRAPHER:** Off the record at 2:27.  
[4] (Recess taken)  
[5] **VIDEOGRAPHER:** We're on the record at 2:55.  
[6] (Deposition Exhibits 17-18 marked)  
[7] **Q:** (By Mr. Harris) Mr. Davis, on what has been  
[8] marked as Exhibit 17 and 18, which are respectively  
[9] PRI00649 and PRI00637, I wanted to first ask you if you  
[10] have seen these before or believe you have seen them  
[11] before?  
[12] **A:** I think I have seen these.  
[13] **Q:** You what, sir?  
[14] **A:** Yes, I believe I have seen these.  
[15] **Q:** All right. Could you tell me what you believe  
[16] Exhibit 17 to be?  
[17] **MR. PINKERTON:** Counsel, I'm going to  
[18] object to you asking this witness these kind of questions  
[19] about these documents. He didn't write this document.  
[20] He got a copy of it.  
[21] **MR. HARRIS:** He just said he has seen it  
[22] before.  
[23] **MR. PINKERTON:** He's seen them before,  
[24] but —  
[25] **MR. HARRIS:** He's got a — he's copied on

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[1] them.  
[2] **MR. PINKERTON:** I know, but for him to  
[3] characterize them and —  
[4] **MR. HARRIS:** Okay. Well, you got your  
[5] objection on the record.  
[6] **MR. PINKERTON:** Yeah, I object to it.  
[7] Object to the form.  
[8] **Q:** (By Mr. Harris) Mr. Davis?  
[9] **A:** This is a letter from John Bird to Jerry  
[10] Williamson dated May the 12th, 1995.  
[11] **Q:** And does it contain an attachment to it? I'm  
[12] calling what is the third page stapled on here as an  
[13] attachment.  
[14] **A:** Yes, sir.  
[15] **Q:** Do you believe that that's a part of it, an  
[16] attachment to it?  
[17] **MR. PINKERTON:** Object to the form.  
[18] **THE WITNESS:** It's stapled to it and that  
[19] appears to be so.  
[20] **Q:** (By Mr. Harris) And you do believe you have  
[21] seen that exhibit?  
[22] **A:** I believe so.  
[23] **Q:** And it is a letter from Bird to Jerry Williamson  
[24] of your company, right?  
[25] **A:** Yes, sir.

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[1] **Q:** Okay. Then referring to Exhibit 18, in turn,  
[2] you were copied on it, were you not?  
[3] **A:** Yes, sir.  
[4] **Q:** Do you understand what this exclusivity  
[5] agreement is that is referred to?  
[6] **MR. PINKERTON:** Object to the form.  
[7] **THE WITNESS:** I'm really not sure. There  
[8] was some negotiations, apparently, that we did to have  
[9] exclusive use of the EZ Coater for Williamson. And —  
[10] **Q:** (By Mr. Harris) And you were — I'm sorry, go  
[11] ahead, sir.  
[12] **A:** This was in some time in, it looks like mid  
[13] 1995.  
[14] **Q:** Do you know what duration that Williamson had in  
[15] mind for such an agreement for such exclusivity?  
[16] **MR. PINKERTON:** Object to the form.  
[17] **THE WITNESS:** I'm really not sure. The  
[18] details of some of this — some of these documents, I'm  
[19] really not sure of, no.  
[20] **Q:** (By Mr. Harris) Did you have anything to do  
[21] with this — it is a negotiation, is it not?  
[22] **A:** I guess it could be characterized as such.  
[23] **Q:** All right. Do you have another way to  
[24] characterize it?  
[25] **A:** Not that I know of.

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[1] **Q:** Well, then using the term negotiation were you  
[2] involved in the negotiation?  
[3] **A:** Not really. I think it was mostly Jerry and  
[4] Jesse Williamson, probably that were most involved and I  
[5] was more or less on the sidelines during that time.  
[6] **Q:** What do you recall from the sidelines?  
[7] **A:** I think it was just an attempt to be able to use  
[8] the — that EZ Coater system exclusively at Williamson  
[9] for a period of time.  
[10] (Deposition Exhibit 19 marked)  
[11] **Q:** (By Mr. Harris) Mr. Davis, you have been  
[12] supplied with what's been marked as Exhibit 19, it's  
[13] PRI00673. If you are able to tell me what the subject of  
[14] this exhibit is, I would appreciate it.  
[15] **A:** This is a, I guess, a report on a demonstration,  
[16] some kind of a standard form that was reporting on a  
[17] demonstration at Printing Research February the 13th,  
[18] 1995, looks like it's signed by Steve Baker.  
[19] **Q:** Do you have a recollection of such a test or run  
[20] at PRI?  
[21] **A:** I believe so.  
[22] **Q:** What is it you remember, sir, and do look it  
[23] over, if you would, please.  
[24] **A:** We had requested that M.D. Booth up in Boston  
[25] make an improved coating after our test of the

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[1] Wolstenholme material in Germany, which they're the same  
[2] coatings in the U.S., they're sold under the name of  
[3] M.D. Booth, at that time they were, and we — it looks  
[4] like we got in a supply of gold — water-based gold  
[5] coating and did some additional testing.

[6] And I believe we did a test with a banded  
[7] roller, which is an anilox roller that has different line  
[8] screening, if you will, an anilox roller being a roller  
[9] that has real finely engraved pits in it, and some of the  
[10] pits were deeper than the others and bigger than the  
[11] other, and I think that's — we just wanted to look at a  
[12] range there to get a better idea of what outcome might be  
[13] for using a different range of screening on an anilox  
[14] roller, just details.

[15] Q: Why was this done by PRI?

[16] A: Well, they had the chambered doctor system at  
[17] the end of their little two-color test press, and we  
[18] asked them to do that for us.

[19] Q: What did they charge you for the job?

[20] A: I don't believe there was any charges  
[21] applicable.

[22] Q: Earlier we talked about a report that was  
[23] about — about December the 20th. I can get the report  
[24] if you'd like, but you and I discussed it at some length,  
[25] do you recall?

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[1] A: Yes, sir.

[2] Q: And it was a report that you pretty much  
[3] supervised, right?

[4] A: Yes, sir.

[5] Q: Did you also supervise this one?

[6] A: I believe so.

[7] Q: All right. And what did PRI charge you for  
[8] doing the test in December?

[9] A: I don't believe there was any charges involved.

[10] Q: Well, why did they do it?

[11] A: I'm sure they were trying to demonstrate their  
[12] product they had and was interested in selling it to us  
[13] and demonstrating its capability.

[14] Q: Did you not have any equipment at either one of  
[15] these times to run these tests with it?

[16] A: Didn't have a chambered doctor anilox coating  
[17] system.

[18] Q: And these tests were run with a long-range goal  
[19] that related to your invention; is that true?

[20] A: That is correct.

[21] Q: And did both you and PRI know that?

[22] A: I believe so.

[23] Q: Even as they were doing the test in December and  
[24] they were doing the test in February, you believe they  
[25] knew that?

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[1] A: I believe they did, yes.

[2] Q: But your goal was working towards the system and  
[3] invention of the 363?

[4] A: Yes, sir.

[5] Q: Changing subjects. Is it a fact that no printer  
[6] in the country has more advanced in-line coating  
[7] capabilities than Williamson?

[8] A: I don't know of any that do.

[9] Q: You think that's a fact?

[10] A: I think that's a fact.

[11] Q: Is it a fact that Williamson has the most  
[12] advanced coating capabilities in the country?

[13] A: That's an assumption on my part, but I know we  
[14] are — we have capability.

[15] MR. PINKERTON: Counsel, are these  
[16] statements taken from some document or are you just  
[17] asking these out of the blue?

[18] MR. HARRIS: Well —

[19] MR. PINKERTON: Is there some document he  
[20] needs to refer to?

[21] MR. HARRIS: I might have a document in a  
[22] minute, but I want to ask some specific things first and  
[23] then I'll make the document available to you if you'd  
[24] like.

[25] MR. PINKERTON: If you —

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[1] Q: (By Mr. Harris) Is it fair to say that  
[2] Williamson's printing plant has only the finest  
[3] equipment?

[4] MR. PINKERTON: I'll object to — if you're  
[5] taking these statements out of a document, I'm going to  
[6] object to not giving the witness the document to comment  
[7] upon.

[8] Q: (By Mr. Harris) Is it fair to say that  
[9] Williamson's Printing plant has only the finest  
[10] equipment?

[11] A: I think our press room is one of the most modern  
[12] in the United States.

[13] Q: Well, is it fair to say that Williamson's  
[14] Printing plant has only the finest equipment?

[15] A: That would be a fair assumption.

[16] Q: Would that have been true as of April of this  
[17] year?

[18] A: I believe so.

[19] Q: When we were together before you stated or  
[20] testified that Williamson has and still uses two EZ  
[21] station — I'm sorry — two EZ interstation flexo  
[22] printer/coaters?

[23] A: Uh-huh.

[24] Q: Made by Printing Research, that's true, isn't  
[25] it?

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[1] A: Uh-huh.  
[2] Q: Would you say that equipment made by Printing  
[3] Research is the finest in the world?  
[4] A: I couldn't say that about their equipment, no.  
[5] Q: So then you don't have the finest things after  
[6] all?  
[7] A: Just that little small two pieces of auxiliary  
[8] equipment. We have struggled with it and do have some  
[9] problems when we utilize it on certain jobs.  
[10] Q: What about the drying equipment made by Printing  
[11] Research that Williamson uses, is that the finest  
[12] equipment in the world?  
[13] A: Their AB2 end-of-press infrared drying systems  
[14] worked well for us. The UV system that we had on our  
[15] triple tower press prior to trading it in did not work  
[16] out so well. The cold UV system was not — just didn't  
[17] work out for our kind of work.  
[18] Q: Does Williamson have any other equipment made by  
[19] Printing Research?  
[20] A: We have some exhaust hoods on the end of — I  
[21] believe three of our presses still have exhaust hoods  
[22] made by Printing Research.  
[23] Q: Is it the finest equipment?  
[24] A: They work well, work just fine.  
[25] (Deposition Exhibit 20 marked)

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[1] Q: (By Mr. Harris) Exhibit 20 has been placed  
[2] before you, and I don't have any particular question  
[3] about it, but it is true that my questions came from that  
[4] and I was checking out your belief about your equipment.  
[5] MR. HARRIS: I think I'm through, but I  
[6] want to ask him —  
[7] MR. PINKERTON: I understand.  
[8] MR. HARRIS: I hate to take so many breaks,  
[9] but this is the kind of break —  
[10] MR. PINKERTON: You want to take a break?  
[11] You want us to leave?  
[12] MR. HARRIS: Yeah, long enough to talk and  
[13] find out if I have any more questions.  
[14] VIDEOGRAPHER: We're off the record at  
[15] 3:14.  
[16] (Recess taken)  
[17] VIDEOGRAPHER: We're on the record at 3:32.  
[18] THE WITNESS: It looks like material  
[19] collected by Jesse Williamson on the 1992 trip, I'm not  
[20] sure but there is literature in here from MAN-Roland and  
[21] some other suppliers we do business with, Carlsfield, I  
[22] believe, was also in there, which — they made these  
[23] high-end scanning devices used for color separations.  
[24] until the desktop computers put them out of business, but  
[25] I guess that would be Mr. Williamson's, I'm not sure.

[1] MR. HARRIS: Can you add to it?  
[2] MR. PINKERTON: It's from the trip to  
[3] Germany in May of '92.  
[4] MR. HARRIS: Do you know who did the leg  
[5] work on the —  
[6] MR. PINKERTON: Gary Dowdy did. Dowdy put  
[7] it together, Gary Dowdy.  
[8] MR. HARRIS: Okay.  
[9] MR. WILSON: Read the Bates numbers, just  
[10] for the record.  
[11] MR. HARRIS: The first Bates number, maybe  
[12] or something. W004255, and I don't know, you want to put  
[13] the last one?  
[14] MR. WILSON: Looks like there's inserts in  
[15] the notebook that go all the way to W004602, and if you  
[16] would like we could have an exhibit from just sort of  
[17] the — notes excerpted from it. We could make it an  
[18] exhibit for the record. I hate to make this whole  
[19] notebook which all these colored pages an exhibit, but —  
[20] MR. PINKERTON: It's yours, whatever you  
[21] want to do with it is fine. But I mean, that identifies  
[22] it, so —  
[23] MR. HARRIS: What do you want to do with  
[24] it?  
[25] MR. PINKERTON: I don't think you want to

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[1] do anything today with Bill with it, but.  
[2] MR. HARRIS: I don't think I'm going to ask  
[3] him any questions about it.  
[4] MR. PINKERTON: He wasn't there.  
[5] MR. WILSON: We'll make it an exhibit when  
[6] we do Jesse or Robert. Okay.  
[7] MR. HARRIS: I think I can do what I want  
[8] to pretty quickly here. I'm going to the notice of  
[9] deposition of the company, you know, the 30(b)6 thing we  
[10] have, and I have marked three or four of them to ask  
[11] something on that we may not have fully covered.  
[12] The first thing I want to ask you,  
[13] Mr. Pinkerton, is on seven and eight, as I understand  
[14] you, you haven't picked anybody yet or something.  
[15] MR. PINKERTON: Bill, I don't have my notes  
[16] on that.  
[17] MR. HARRIS: You want me to just pass it  
[18] over to you?  
[19] MR. PINKERTON: Yeah, did we not designate  
[20] somebody before.  
[21] MR. WILSON: You said you hadn't decided  
[22] yet, was what I had in my notes on seven and eight.  
[23] MR. PINKERTON: Okay. Well, it was either  
[24] Jesse or Jerry right here on seven —  
[25] MR. HARRIS: I don't have to know right

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[1] now, if it's not this witness.  
[2] MR. PINKERTON: It's not Bill.  
[3] MR. HARRIS: But I would like to know —  
[4] MR. PINKERTON: And eight is not Bill  
[5] either.  
[6] MR. HARRIS: I would like to know pretty  
[7] soon  
[8] MR. PINKERTON: Okay. If I left that  
[9] hanging, I can get you an answer.  
[10] MR. HARRIS: And then the one is I still  
[11] want to verify that you still have a negative position,  
[12] if you do. There is a 19 and 20, and I believe you  
[13] objected to them as improper in some way.  
[14] MR. PINKERTON: Right.  
[15] MR. HARRIS: And would you please take your  
[16] position on the record.  
[17] (Discussion off the record)  
[18] MR. HARRIS: Are you looking at seven and  
[19] eight?  
[20] MR. PINKERTON: I'm looking at 19 and 20.  
[21] MR. HARRIS: Oh, 19 and 20, I'm sorry,  
[22] you've already responded on seven and eight?  
[23] MR. PINKERTON: Yeah.  
[24] Well, I think 19 is one that you have asked  
[25] about. You know Jesse and Bill would know information

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[1] about that. You've already asked Bill about it. You've  
[2] asked Jesse about it as well.  
[3] 20 is the one I definitely think is  
[4] improper.  
[5] MR. HARRIS: Let me go back to 19 for just  
[6] a minute.  
[7] MR. PINKERTON: Okay.  
[8] MR. HARRIS: Are you telling me that both  
[9] of them are designees, then?  
[10] MR. PINKERTON: Yes.  
[11] MR. HARRIS: Whatever they say is what the  
[12] company says?  
[13] MR. PINKERTON: Right.  
[14] MR. HARRIS: Both to Jesse and Bill Davis?  
[15] MR. PINKERTON: Right.  
[16] MR. HARRIS: Now, tell me what you want to  
[17] about 20.  
[18] MR. PINKERTON: 20 is just — we object to  
[19] 20, I believe it's improper for somebody to testify about  
[20] who's going to testify about trial. I think that's what  
[21] that says, who's going to be witnesses for us, and that's  
[22] an improper 30(b)6 notice.  
[23] MR. HARRIS: I do want you to know our  
[24] biggest concern here has been about foreign country  
[25] people, foreigners. We've had a concern, and I think a

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[1] right one, to know whether or not to go running around in  
[2] circles at some given place and preparing for some given  
[3] witness that's going to be from Zanzibar, and it's that  
[4] that we mainly have in mind, a combination of 19 and 20.  
[5] Rather than trying to get all of your witnesses or  
[6] whatever, we just want to know those you are serious  
[7] about that are nearly inaccessible.  
[8] MR. PINKERTON: We have identified in  
[9] response to — interrogatory responses, persons with  
[10] knowledge of relevant facts. Any of those people could  
[11] be called as witnesses, any of them.  
[12] MR. HARRIS: We're asking —  
[13] MR. PINKERTON: You have asked me to —  
[14] MR. HARRIS: — for what your intent is.  
[15] MR. PINKERTON: — for what my intent is,  
[16] and I told you, you know, lawyer-to-lawyer,  
[17] friend-to-friend, what my intent was.  
[18] MR. HARRIS: Does that still stand?  
[19] MR. PINKERTON: Presently.  
[20] MR. HARRIS: Will you let me know if it  
[21] changes real quick?  
[22] MR. PINKERTON: Yes, I will let you know if  
[23] it changes.  
[24] MR. SWEENEY: Well, Judge Lynn will have us  
[25] do that in her pretrial filing requirements anyway, and

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[1] to designate whether the witnesses are probable or  
[2] possible.  
[3] MR. PINKERTON: Sure. I understand that.  
[4] MR. HARRIS: My problem has simply been if  
[5] you do have a foreign witness, there's really not much  
[6] sense in having to go every place where every person is  
[7] listed who might have knowledge if there are 8 or 10 or  
[8] 15 listed in foreign countries and try to trace all of  
[9] that out when it's all, I'm sure, in good faith but not  
[10] very serious, just in case.  
[11] MR. PINKERTON: Well, they are persons with  
[12] knowledge, and I told you that our present plans are to  
[13] call one foreign witness —  
[14] MR. HARRIS: You did.  
[15] MR. PINKERTON: — and that was Mr. Harry  
[16] Bowyer.  
[17] MR. HARRIS: That's true, I agree.  
[18] MR. PINKERTON: And if that changes, I'll  
[19] let you know as soon as possible, as soon as I know.  
[20] MR. SWEENEY: Is your position the same on  
[21] the two witnesses from MAN-Roland?  
[22] MR. HARRIS: Mr. Pinkerton has told me he  
[23] does not intend to call those people.  
[24] MR. PINKERTON: Right.  
[25] MR. SWEENEY: For the record, Bill was the

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[1] first attorney to sign up to take a deposition in  
[2] Zanzibar if necessary.  
[3] **MR. PINKERTON:** He's got connections there.  
[4] **MR. HARRIS:** I hope. Now, I know that some  
[5] of you feel different here, but I hope by the time this  
[6] weekend is over that Mr. Gore is taking depositions in  
[7] Zanzibar.  
[8] **MR. PINKERTON:** Anywhere south of Florida.  
[9] **MR. HARRIS:** A little bit south of Key  
[10] West.  
[11] **MR. PINKERTON:** Right.  
[12] **MR. HARRIS:** Okay. Well, I understand your  
[13] position and I will try to live with 20. If I get  
[14] nervous, I'll let you know.  
[15] **MR. PINKERTON:** Okay.  
[16] **MR. HARRIS:** Now I have two off of the list  
[17] that I want to ask to make sure I have everything I can  
[18] get from this witness.  
[19] **Q:** (By Mr. Harris) Number one, when the invention  
[20] described in the 363 patent was first conceived and by  
[21] whom the extent of the first conception, all documents  
[22] and tangible things relating to the first conception and  
[23] each witness to that conception. Mr. Davis, having heard  
[24] that, do you believe — for the company do you believe  
[25] that we have been supplied with that information? Do

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[1] you want to look at it?  
[2] **MR. PINKERTON:** Well, we have produced on  
[3] behalf of the company and fully responded to all of your  
[4] document requests, your interrogatory responses — your  
[5] interrogatories, he has answered your questions.  
[6] Now, whether or not you've got another  
[7] question that you might have could have asked, he doesn't  
[8] know that.  
[9] **MR. HARRIS:** Well, I'm asking him —  
[10] **MR. PINKERTON:** He has responded to your  
[11] questions fully.  
[12] **MR. HARRIS:** Do you want me to repeat that  
[13] or have it read back or what?  
[14] **MR. PINKERTON:** I understood it. You don't  
[15] have to repeat it. I'm just saying that —  
[16] **MR. HARRIS:** What I'm saying is that's what  
[17] it says. Does he know of anything else? That's what I  
[18] asked him.  
[19] **MR. PINKERTON:** That question is too broad  
[20] and too global.  
[21] **MR. HARRIS:** Well, it may be, but I'm  
[22] asking it.  
[23] **MR. PINKERTON:** It's an improper question.  
[24] If you've got some focused question that's a proper  
[25] question, Bill, he —

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[1] **Q:** (By Mr. Harris) He's objected, but you may  
[2] answer?  
[3] **MR. PINKERTON:** — he'll be glad to answer.  
[4] **THE WITNESS:** I believe we have complied to  
[5] that request that's —  
[6] **Q:** (By Mr. Harris) Number one?  
[7] **A:** Yes, sir, I believe we have complied.  
[8] **Q:** Do you think that you have let us have all of  
[9] that information or given us all of that information on  
[10] number one?  
[11] **A:** Yes, sir.  
[12] **MR. PINKERTON:** Well, I think his answer  
[13] probably is that he has answered fully all of the  
[14] questions and answers that you know, is that correct,  
[15] Mr. Davis?  
[16] **THE WITNESS:** To my knowledge.  
[17] **MR. PINKERTON:** And we also designated  
[18] Jesse Williamson, Bill, on that, both of them, and you  
[19] have questioned Jesse and will have additional questions  
[20] for him.  
[21] **MR. HARRIS:** Well, let's don't make any  
[22] more than we have to.  
[23] **MR. PINKERTON:** Those two.  
[24] **Q:** (By Mr. Harris) As to number two, it reads, and  
[25] I'll let you read it, too, "Any evidence tending to show

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[1] what date the invention described in the 363 patent was  
[2] first conceived, including without limit conversations or  
[3] other communications in which conception was disclosed  
[4] and precisely what was disclosed."  
[5] You can read it, and my question once again  
[6] is simply: Do you think you've provided or the company  
[7] has provided us with all of that information and do you  
[8] think you have been responsive to number two?  
[9] **MR. PINKERTON:** Same objection — wait a  
[10] minute, Bill. Same objection that I have that I think  
[11] that's a global question that's improper. We have  
[12] provided, though, all documents, we've answered  
[13] interrogatories, he's answered all of your deposition  
[14] questions.  
[15] **MR. HARRIS:** The jury might think you are  
[16] being evasive.  
[17] **MR. PINKERTON:** I don't think so.  
[18] **MR. HARRIS:** The jury might think you're  
[19] trying to avoid answering a pretty straight questions.  
[20] **MR. PINKERTON:** He's answered all of your  
[21] questions.  
[22] **MR. HARRIS:** The jury might think Mr. Falk  
[23] is going to sleep.  
[24] **MR. FALK:** No, I'm not. I'm looking at  
[25] your white hair and seeing how your hair is growing older

[1] in this case.

[2] MR. PINKERTON: Let's don't get his hair  
[3] involved. He might get yours involved, Bobby.

[4] MR. FALK: He's already commented about my  
[5] white hair.

[6] MR. HARRIS: But I don't go to the hair  
[7] dresser.

[8] Q: (By Mr. Harris) Sir?

[9] A: To the best of my knowledge I believe that I  
[10] have done that.

[11] Q: Number two?

[12] A: Yes, sir, complied with it.

[13] (Discussion off the record).

[14] MR. PINKERTON: Are you passing the  
[15] witness?

[16] MR. HARRIS: No further questions.

[17] MR. PINKERTON: We'll reserve our questions  
[18] until trial.

[19] VIDEOGRAPHER: We're off the record at  
[20] 3:48.

[21] (Off the record, 3:48 p.m.)

[22]

[23]

[24]

[25]

THE COURT: 3:48 p.m.

**Lawyer's Notes**

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00115736-061011

TOP SECRET

## EXHIBIT



THESE QUESTIONS



WILLIAMSON PRINTING CORPORATION

6700 Denton Drive Dallas, Texas 75235 4497 214 904 2100 Fax: 214 352-1842 WATS: 800-843-5423

December 5, 1996

Via Fax: 357-5847

Mr. John Bird  
Mr. Steve Garner  
Printing Research, Inc.  
10954 Shady Trail  
Dallas, Texas 75220

Dear John and Steve:

We keep having trouble every time we start up the EZ Coater. All of our people say they have never been trained on the equipment and have to call you when they use it. They say there are no manuals, no instructions and etc. on what they need to do.

First of all, we need to have someone trained on each shift, very thoroughly. If you will set up a specific time and have a script done so that we can film it, we would be glad to film it.

In regards to our people being trained, I am sure you can understand the importance of our people being trained on this equipment.

Would you please get with Bob Emrick and let him know when you can train our people so we don't have to keep calling you back time and again just so we can use the equipment.

Please let Bob and I know when the soonest time is that this can be done.

If you have any questions on the above, please let me know.

Thank you for your assistance with this matter.

Sincerely,

Jesse Williamson  
JW/rr

cc: Bob Emrick

$\Delta \pi$ EXHIBIT <u>6</u>	
Deponent	<u>Davis</u>
Date	<u>11/17/00</u>
Rptr.	<u>sc</u>
WWW.DEPOBOOK.COM	

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THE CHURCH

# HEIDELBERG

Southwest Region

Heidelberg USA, Inc.  
1301 Royal Lane  
Suite 1012  
Dallas TX 75229  
Phone 214 506 7000  
Fax 214 506 0476

November 8, 1994

Jerry and Jesse Williamson  
Williamson Printing Corporation  
6700 Denton Drive  
Dallas, Texas 75235

Dear Jerry and Jesse,

Pursuant to our conversations regarding the special plate clamps for our coating tower that facilitate the use of Cyrel or other flexo type plates to be mounted and registered, and the Chambered Doctor System for the coating tower, please note the attached information from our Factory.

I highly recommend that you place an order immediately for the special plate clamps so as to expedite factory shipment and installation on your Seven Color press for evaluation.

It is also my recommendation that in conjunction with our trip to Germany on December 10, 1994 to evaluate the Drupa CD Technology, we arrange a demonstration of the Chambered Doctor System. Upon your review and evaluation we can then proceed with your order for the system with the noted approximate delivery and installation times.

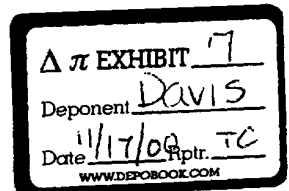
As always, it is a pleasure to work with you and your fine group of associates. I look forward to our trip to Germany and to continuing to build and strengthen our partnership.

Sincerely,



Bob Boyer  
Regional Manager  
Heidelberg USA, Inc.

cc: Bill Davis  
Bob Emerick  
Jim Johnson



W000298

THESE

MEMORANDUM

To: Bill Davis  
Woody Dixon  
Bob Emrick  
Jim Johnson  
Jesse Williamson

From: Jerry Williamson

Date: 11-8-94

Subject: Heidelberg Plate Clamps

---

I am in receipt of the letter from Bob Boyer dated Nov. 8, 1994, addressed to me and Jesse and copies to Bill, Bob and Jim, concerning the availability and quotation for the plate clamps for our coating tower.

Frankly, I do not clearly understand the memorandum from John Dowe to Bob on this subject, and if you do, please give me your explanation.

Please prepare for me your best estimate for a budget for each of our presses, and an overall total budget for all five presses.

Also, please get more details on delivery time, installation time, how long will the press be out of service if already installed, such as the 7/c and 6/c, etc.

Also please give me your opinion as to evaluating this project.

I would appreciate your response at your earliest convenience, and no later than Thursday, Nov. 10, 1994.

If you have any questions, please let me know.

Thank you,

Jerry Williamson

JBW:db

$\Delta \pi$ EXHIBIT <u>8</u>	
Deponent	<u>Davis</u>
Date	<u>11/17/94</u>
www.DEPOBOOK.COM	

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PROTECTIVE ORDER

W000299



# HEIDELBERG

October 26, 1994

Press Marketing

Telefax to: Jerry Williamson, CEO  
Jesse Williamson, President  
Williamson Printing Co.

Heidelberg USA, Inc.

From: John Dowey

1000 Gutenberg Drive

Kennesaw, GA 30144

Phone 404 419 9500

Fax 404 419 6625

Subject: Pre DRUPA Double Coater Press

Dear Jerry and Jesse:

Mr. Bob Boyer brought your request for the Heidelberg factory to possibly have the DRUPA innovations of running register on the coating units and automatic register in-line, fitted to your Speedmaster CD102S+LYL. This machine is presently under construction and we hope that it will leave the factory in late December.

We regret to inform you that these features cannot be adapted to the present design due to several mechanical and electronic changes, which Mr. Boyer confidentially briefed you on. These options are only available on the DRUPA design machine which would be available in during the third quarter of 1995. They cannot be retrofitted to the existing design.

We confirm that it is now possible to retrofit the coating clamps that allow manual register adjustments and precise mounting of spot coating plates. Thus these could be fitted to the coating units of your existing presses, as well as the December pre-DRUPA CD102S+LYL.

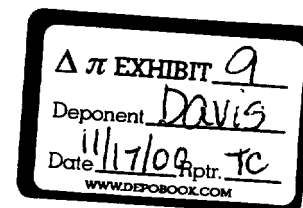
We look forward to meeting with you here in Heidelberg during the week of December 10 to demonstrate the chambered doctor blade system for coating, and give you a private showing of the DRUPA design at the factory as well as a customer installation here in Germany.

Regards,



John Dowey  
Marketing Director/Speedmaster

cc: Hans Peetz-Larsen  
Wolf Hager  
Mike Morgan  
Scott Brown  
Reginald Rettig, HDM/Germany



W000256



THE UNIVERSITY OF CHICAGO

10

MEMORANDUM

To: Jerry Williamson

From: Bill Davis  
Bob Emrick  
Jim Johnson

Date: November 18, 1994

Subject: Heidelberg Plate Clamps and Chambered Doctor System

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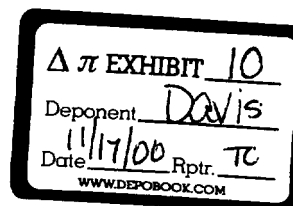
Jerry,

We spoke to Bob Boyer and John Dowe today regarding the above reference. I have the following information on the Heidelberg Adjustable Plate Clamps for the coating tower unit.

1. Installation: Installation of this plate clamp system takes one man approximately 8 hours.
2. The installation of the plate clamps involves pinning the clamps to the cylinder. This would make it impractical to move the clamps from one coating tower to another.
3. Deliver time for the clamps was quoted at 6-8 weeks but Bob believes that this can be hurried up once an order is placed.
4. Pricing: Bob said that if a multiple purchase of more than one clamp is made, the price would be less 10% discount. This would mean that the cost of the clamp system for each tower coater would be \$8,730. Total budget for the 4 tower coaters on the first 3 presses would \$34,920. Total budget for all 5 presses or 6 tower coaters would be \$52,380.
5. The above pricing does include installation of each clamp system.
6. In response to Jesse's desire to run flexo metallics or PMS colors on one of the printing units, John Dowe has responded saying that in theory the plate clamp system could be mounted for this purpose.
7. John also mentioned that once the adjustable plate clamps are mounted on the coater blanket cylinder, it is necessary to use an aluminum crimped blanket bar in conjunction with the clamp system. This should not present a problem as we are using the crimp on aluminum blanket bars on all of our blankets anyway.

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W000301



Regarding the Chambered Doctor System for installation on the Heidelberg presses, I have the following:

1. Heidelberg would extend the same 10% discount on this unit. Budget for this unit would be \$60,750 each.
2. Heidelberg recommends installation of this system on the first tower of the triple tower press. The installation of this unit is semi-permanent and would take two men approximately 8 hours to install.
3. The limitations of this system are that it is much more difficult to change the amount of coating applied to the sheet. Whereas, with a standard coater adjustment of the volume of coating can be done with the speed of the coater. With the chambered coater, it will be necessary to change coatings to see if more coating can be applied with a different viscosity coating. The other method for changing the amount of coating would be to change the grain of the annalux roller.
4. The installation of the Chambered Doctor System on the first tower of the triple tower press would allow you to apply metallics or other coatings down first. The technique then calls for drying this coating and applying a sealer with the second tower.

Please let us know if we may be of further assistance in this matter.

Respectfully submitted,

Bill L. Davis  
Bob Emrick  
Jim Johnson

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W000302



MEMORANDUM

To: Jerry Williamson

From: Bill Davis

Subject: R&D Projects

Date: 12/16/94

Please find listed below various R&D Projects pending at this time.

1. Relief Plate System: A system for exposing and processing relief plates to be used on the tower coaters of our S/F presses. Also relief plates with a steel back will be needed for a UV coater on one of our web presses. BASF appears to have the best system at this time. Proposals have been submitted indicating a system cost of about \$80,000.

2. Test PRI EZ Coater (cartridge coater): The cartridge coater system made by Printing Research needs to be tested to see how suitable it is for our needs. Suggested locations for the system are as follows:

A. The 1st. printing unit for running water based metallic ink the WIMS process. Opaque white and other strong water based inks. Inter-station HV drying will have to work for this to be successful.

B. The last printing unit for coatings both gloss and dull, spot and flood coat.

C. The tower coater for water based metallic ink.

The system is needed for application of any material which has particles that need to be kept in suspension while running such as metallics or scratch and sniff. The price for the basic system is \$54,950.

3. Test Heidelberg Chambered Doctor System: This version of a cartridge coater replaces the conventional (film split) coater on the coating tower. The concern is that some of the versatility is lost when the film split coater is removed. This unit will be tested at Heidelberg in January. The cost of this system is \$60,750.

4. Register Clamps: Additional register clamps will be needed for the printing units. Heidelberg price is \$8,730 per set including installation.

5. Materials Testing: Various materials need to be tested for their suitability. Tests on a conventional coater, cartridge coater and the LYL press should be done. Materials to be tested are:

- \* Water based metallics
- \* Water based opaque white
- \* Water based strong colors
- \* Scratch and sniff
- \* Blister pack coatings

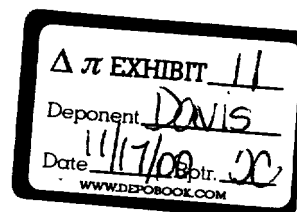
Please find attached the schedule for press testing some of the above items.

Respectfully

Bill L. Davis

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**Printing Research, Inc**  
10954 Shady Trail  
Dallas, TX 75220 USA  
214-353-9000

REVISION #9.3.

Date of Demonstration

12.20/21.94

Today's Date Demo Date: 2nd Choice 3rd Choice

12.15.94 12.20/21.94

# **DEMONSTRATION INFORMATION**

(To be completed by Sales Rep when arranging for demo)

## **CUSTOMER:**

## **Equipment to be Demonstrated**

Company: WILLIAMSON PRINTING CORP.

Contact: BILL DAVIS

Attendees: JESSE WILLIAMSON // BILL DAVIS // BOB EMRICK // JIM JOHNSON

Address: \_\_\_\_\_

City, State, Zip: DALLAS TX.

Phone: 214.904.2100

Fax: 214.

**EZB** ☒

PBC ☐

HV ☐

BacVac ☐

AB I ☐

CUV ☐

SB ☐

## **PURPOSE: Goals and Objectives**

What does the customer want to achieve?

APPLY METALLIC FLEXO TYPE INKS INCLUDING PEARLESCENTS, BETWEEN PRINTING UNITS AND OVERPRINT WITH REGULAR INKS ALL IN LINE.

## **PROCEDURE: To achieve Goals and Objectives**

How?

APPLY WATER BASED SLURRIES AND INKS THROUGH THE EZB AT THE BLANKET POSITION PRIMARILY, AND EVENTUALLY FROM THE PLATE POSITION TO COMPARE. \*SEE OVER.

## **EQUIPMENT AND MATERIALS:**

All demonstrations are performed on the Heidelberg 102ZP.

### **Materials**

PRI Supplied

Customer Supplied

Manufacturer/  
Product Type

Film: ☐

Plates:

Litho ☐

Relief ☒

Coating: /INK.

Aqueous ☒

UV ☐

Other (Explain) ☐

Ink:

Litho ☐

UV ☐

Dampening Solution: ☐

Substrate: ☐

Size:

Weight:

Δ π EXHIBIT 12

Deponent DAVIS

Date 11/00 Rptr. SC

WWW.DEPOBOOK.COM

REXHAM PLATES TO BE USED / CUSTOMER TO SUPPLY RELIEF PLATES FOR BLANKET AND PLATE POSITION.

REXHAM PEARLESCENT / NPC - SLURRY, GOLD, SILVER, WHITE.

**SEE OVER**

See reverse side for results of demonstration and additional comments.

### **Distribution:**

☐ Front Desk Calendar  
☐ JB ☐ ES  
☐ TB ☐ DD

☐ Sales Person  
☐ SG ☐ AB  
☐ MB ☐ LN

☐ WB

**CONFIDENTIAL**

PRI 00699

Sales Person

S. BAKER.

THESE DEPOSEES

13



MEMORANDUM

To: Jerry Williamson

From: Bill Davis

Subject: Status Reports

Date: 01/07/94

Please find below status reports of the items listed in your memo of 12/27/94.

1. Heidelberg Press Installation Project: Heidelberg's installation of the 7/C and 6/C Presses is complete. Although official tests have not been done because of the work load in the plant, all concerned agree the presses are performing at an acceptable level. Sign off could be done with Heidelberg providing a letter of agreement to correct any problems revealed by testing in the near future.

The only auxiliary not completely installed at this time is the Printing Research High Velocity Interstation Drying System. PRI needs about 6 hours the complete this installation. They have ask for the press the past two weekends but we have not been able to let them have it.

The Engineering department has been unable vent the IR Dryer on the 6/C because of bad weather. Venting of the HV Dryers on both presses would also need to be done if the dryers are acceptable.

2. Polyman Press: Even after the retrofits the Polyman continues at an ineffective and inefficient level. Piling causes our running waste to be about double that of the other two web presses.

3. Customer Lounge: This project has taken much longer than we anticipated. Scheduled completion date is Wednesday January 11th.

4. R&D Projects: Please find attached my most resent memeo dated 12/16/94 regarding R&D. I am working on a detailed report of the testing done at Printing Research. The tests were done on three different materials and several substrates as follows:

Williamson Super Colors - Opaque White

Williamson Super Metallics - Gold and Silver

Scratch and Sniff

5. Roof on WPC Building: Per your instructions I did not have Neoguard recoat one third of the roof this past summer.

Please let me know if I may be of further assistance in this matter.

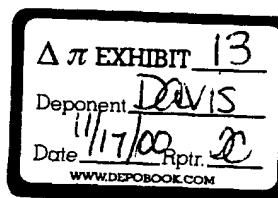
Respectfully,

Bill Davis

cc: Jesse Williamson

Bob Emrick

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W000346



MEMORANDUM

To: Jerry Williamson

From: Bill Davis

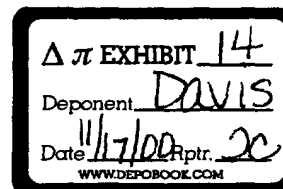
Subject: Heidelberg Demonstration

Date: 01/14/95

Please find listed below a list of objectives for our trip to Heidelberg, Germany 1/17/95 thru 1/21/95.

DRUPA Presses: Observe and note the following physical and theoretical differences in the DRUPA presses and our current presses.

1. Operational differences.
  - \* Feeder
  - \* Units
  - \* Extension Delivery
  - \* Coater
  - \* Inker
  - \* Dampener
  - \* Pre Sets
  - \* Console
  - \* Automation
  - \* Speed
2. Physical differences
  - \* Size L x W x H
  - \* Weight
  - \* Electrical requirements
  - \* Compressed air
  - \* BTU requirements
3. German printer's comparisons to older presses
  - \* Print Quality
  - \* Inking
  - \* Dampening
  - \* Automation
  - \* Speed



Press Improvements: Discuss problems, concerns and future improvements.

1. Register marks need to be smaller.
2. Wireways need to be larger for 7 and 8 color presses.
3. Need more room to accommodate auxiliary systems.
  - \* IR Dryer
  - \* HV Dryer
  - \* Chill water
4. Need precision control for impression cylinder air blow down.
5. Need duct from gear side to work side of press to accommodate chill water pipe.
6. Need wider catwalks. 4"
7. *Chill pipe - Clarify color group*

Chambered Doctor System:

1. Provide test order to Heidelberg and Wolstenholme
  - \* see attached form.
2. Observe and note test results.
  - \* Gold and silver particle size in microns
  - \* Viscosity seconds thru #3 Zahn cup

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W000353

Test Sheets For Chambered Coater - Doctor System - Germany Trip.

Form 1

Coater Printability Test Form -

- (1) Coater Plate - (Gold and Silver - Same Plate)

Coat Amount of Sheets Gold

Coat Amount of Sheets Silver

- (3) Litho Plates

Black

Black

PMS Blue (Match color - Close to PMS 293)

Run Sheets coated with Gold through press printing the Black, Black, and PMS Blue (overprint).

Run Sheets coated with Silver through press printing the Black, Black, and PMS Blue (overprint).

\* Hold back some gold and silver without overprinting for additional observation.

Form 2

WIMS Test Form -

- (2) Coater Plates: (A) Silver WIMS - (B) Gold WIMS

Mount Plate (A) - Run Amount of Sheets - SILVER = "# 1 SHEETS"

Mount Plate (B) - Run Amount of Sheets - SILVER = "# 2 SHEETS"

Change to GOLD

Continue with Plate (B) - Run "# 1 Sheets" - GOLD

Mount Plate (A) - Run "# 2 Sheets" - GOLD

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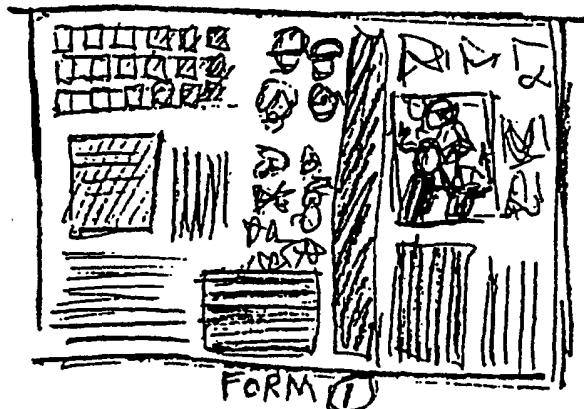
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- (4) Litho Plates - Four Color Process  
Overprint Above Coated sheets

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\* Hold back some of each coated sheet without overprinting for additional observation.



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MEMORANDUM

To: Jerry Williamson

From: Bill Davis

Date: February 6, 1995

Subject: Germany Trip Follow-Up

Jerry,

Regarding our recent visit to Germany, I have the following follow-up response:

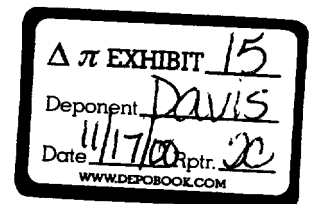
1. Chambered Doctor System - My recommendation would be to not buy Heidelberg's Chambered Doctor System. I would buy Printing Researches EZ Coater instead. This system sells for \$54,000, which is about \$7,000 less than the Heidelberg unit. The advantage here is that you still retain the Heidelberg conventional coating system in the tower coater. This gives you much more flexibility with applying coating of various types. Although Printing Research does not normally include installation, they have agreed to do so for the \$54,000.
2. Relief Plates - Bob Emrick, Richard Torres and myself have obtained proposals from DuPont, BASF and W. R. Grace for their Relief Plate Systems. Our most recent meeting with W. R. Grace representatives on Thursday morning concluded that they would provide us with a test plate so that we could be confident of the fit registration characteristics of their system. They, as well as DuPont and BASF, offer their rotory exposure unit. Also, W. R. Grace offers what appears to be the most environmentally friendly plate development system. The range of the plate material would also appear that they could do more types of coating with less different plate types than the other two mentioned. We will include a follow-up on this as soon as we do a press test and make recommendations as to whose relief plate system to purchase.

Please let me know if I may be of further assistance in this matter.

Thank you,

Bill Davis

cc: Jesse Williamson  
Bob Emrick  
Jim Johnson



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W000412

THE NEW YORK PUBLIC LIBRARY

**MEETING AT WILLIAMSON PRINTING CO. -- 2-11-95**

**PRESENT: JESSE WILLIAMSON, BILL DAVIS, HOWARD DeMOORE, STEVE  
GARNER, JOHN BIRD**

**DISCUSSION:**

**A. Press No. 3 -- Heidelberg Speedmaster CD 6 color + LYL.**

Installation -- March 1 is target date for all components to be installed and ready for print testing. This includes ABII/CUV/HV. Testing for outward bound or inward bound position (outward bound preferred by all) to be established when tests run on Press No. 1 Heidelberg Speedmaster CD 7 color + L, Sunday 2-12-95. They wish to be constantly monitored during test phases and want John Bird to be present when possible. They require a man 24 hours a day when CD 6 color + LYL installation is complete. The last date possible for start-up of equipment on CD 6 color + LYL is March 15, although this will be a major problem for acceptance from Jesse Williamson. Greg Nyberg had provided a time line for CD 6 color + LYL which includes ABII/CUV only. We passed on info. to Bill Davis. It is critical for HV to be included in this time line schedule as soon as possible.

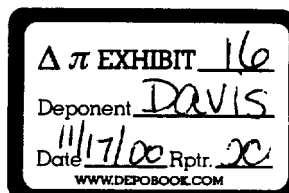
**B. Press No. 3 -- Heidelberg Speedmaster CD 6 color + LYL.**

We to manufacture an EZ blanket coater for operation at the first coating tower of the LYL. This coater must have an operating face width minimum of 40 inches. It will be acceptable to provide 38 inch face widths for coaters operational on printing units. This coater to be provided at no charge to WPC, whereas subsequent coaters will be priced out according to final design parameters. We should provide 200, 250 and 300 cell count laser engraved ceramic anilox rolls so as to determine the optimum type and/or types for the various applications. Satisfactory tests have been run in Germany using a 300 anilox where we at PRI have run a 200. Jesse indicates that he would like the EZ blanket coater for March 1, although Bill Davis indicates April 1 would be acceptable.

**C. Web UV Coating Application.**

World Wide Graphics will not supply a coater only and insist on Prime UV as UV supplier will not work with anyone else. We to contact Scheffer who make a web coater to see if we can work out an advantage for us to supply a web coater/dryer. The last delivery date of an accepted system will be June 15, 1995.

**CIRCULATE: Howard DeMoore/Ed Schaffler/Dave Douglas/Howard Secor/Steve  
Garner/Steve Baker/Warren Bird/Greg Nyberg**



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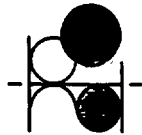
PRI 00671

*H/14*



TELETYPE UNIT

17



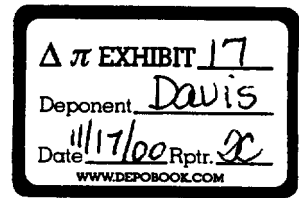
Printing Research, Inc.  
"Mark-less" Super Blue®

mailed 5/12/95

Steve S.  
COPY FOR YOUR  
INFORMATION

May 12, 1995

Mr. Jerry Williamson  
Williamson Printing Corp.  
6700 Denton Drive  
Dallas TX 75235-4497



Dear Jerry,

It was a great pleasure for Steve Garner and me to meet with you, Jesse Williamson and Bill Davis. The following confirms our discussion:

1. **EZ Interstation Flexo Printer/Coater**

- A. Lithoflex as used by PRI to describe its EZ Printer/Coater process is not in conflict with WPC.
- B. PRI is preparing comment for an upcoming coating article in Graphic Arts Monthly relative to the EZ Printer/Coater family, as well as a presentation for the GATF Sheetfed Conference June 25-27, 1995. Both GAM and GATF would like input from WPC. We are suggesting that they both contact you direct.
- C. An order for one Super Blue EZ Interstation Flexo Printer/Coater (your PO 3315) for installation on the first printing unit of your Heidelberg Speedmaster CD 6+LYL is in hand. We anticipate delivery to be approximately 90 days. The price of the coater is to be negotiated. WPC will continue to use PRI's experimental coater installed on the Heidelberg Speedmaster CD 7+L press until PRI has delivered and installed the EZI.
- D. A separate discussion document addressing exclusivity is attached.

2. **Heidelberg Speedmaster CD 6+LYL (Press #3)**

- A. Gloss readings have been taken of the spot water based primer UV overcoat printing job that had various products (golf club, sports shoe, electrical connectors, etc.). The findings are as follows:
  1. Highlight areas -- 97 points (toe of shoe)
  2. Heavy black solids -- 74 points (electrical connectors)
  3. Solid blue -- 84 points (credit card)

We all concluded that this was a classic case of dry back and that we should press forward with the installation of HV on this press to alleviate such dry back problems and also to dry metallic or specialist water based inks in the future.

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PRI 00649

Mr. Jerry Williamson  
Page 2

- B. The UV lamps in the upsweep of the delivery are to be moved to the lower last horizontal aperture in the extended delivery to:
1. Minimize spray powder contamination when running spot UV applications
  2. Minimize the effects of sheet flutter on the cure of UV coatings. This needs to be carried out as soon as is convenient to WPC.

3. **Heidelberg Speedmaster CD 8+L (Press #5)**

- A. This press is to be supplied UV ready for maximum flexibility. All indications up to this point are that the water based flexo metallic, even when thoroughly dry, will be prone to pile and back trap when applied on early units of a press. The application of UV metallic appears to overcome this problem. The installation of UV throughout would enable WPC to print litho, flexo on any unit, assuming EZ Flexo Printer Coaters were installed, on any substrate at maximized press speeds.
- B. PRI is to furnish WPC with a proposal for an 11 lamp 'Cold' UV system for this press.

4. **Web Offset 38 Inch UV Coating System**

- A. PRI is to arrange a visit for WPC to Sheffer's installation of a UV coater on a Heidelberg Harris M1000 in Portland, Tennessee.
- B. PRI is to prepare a proposal for a joint Sheffer/PRI coater package for installation on WPC's newly proposed press.

We look forward to a continued successful partnership.

Sincerely yours,



John Bird  
Product Manager

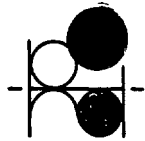
JB:ln

Enclosures:

cc: Jesse Williamson/Williamson Printing Corp.  
Bill Davis/Williamson Printing Corp.  
Bob Emrick/Williamson Printing Corp.  
Steve Garner/PRI  
Steve Baker/PRI

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PRI 00650



**Printing Research, Inc.**

"Mark-less" Super Blue®

**WPC/PRI PARTNERING AGREEMENT FOR THE SUPER BLUE EZ  
INTERSTATION FLEXO PRINTER/COATER**

1. PRI agrees to manufacture and supply one Super Blue EZ Interstation Flexo Printer/Coater (PO #3315) on an exclusive basis.
2. Exclusive is to be interpreted to mean that PRI will not supply to printers in the commercial litho offset printing market for a period and territory to be defined.
3. Exclusions include the litho offset printing markets of folding carton, label, and greeting cards.
  - A. North America, including Mexico and Canada, will be exclusive to WPC for 6 months from the date of delivery of the EZ Interstation Flexo Printer/Coater (PO #3315).
  - B. Texas and its contiguous states (Louisiana, Arkansas, Oklahoma, New Mexico) and including Arizona and Colorado will be exclusive for a further 6 months, equaling 12 months from the date of delivery of the EZ Interstation Flexo Printer/Coater.
4. PRI defines 6 months and 12 months exclusivity 3A and 3B to mean PRI will not accept an order for a Super Blue EZ Interstation Flexo Printer/Coater for installation on a printing unit prior to the last printing unit of a press.
5. PRI may request during the term of this agreement to supply to other commercial printers and WPC may not unreasonably decline.

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**PRI 00651**

THE CHURCH



# Williamson Printing Corporation

6700 Denton Drive • Dallas, Texas 75235 • (214) 904-2100

June 12, 1995

Mr. John Bird  
Product Manager  
Printing Research  
10954 Shady Trail  
Dallas, TX 75220

Re: Letter of Agreement and Understanding

Dear John:

With respect to the above referenced, enclosed please find my draft responding to your letter dated May 12, 1995, including the "Exclusivity Agreement."

First of all, I do apologize for my belated response, but I have just recently had a chance to visit with our folks to get their input on this transaction.

After receiving their input on what they believe has been agreed upon, I have attempted to present that position in response to your original "first draft."


Please note that I have revised your "Exclusivity Agreement" document somewhat, and it does include "liquidated damages" provision, as well as how we should go about resolving any misunderstanding under the terms of this arrangement.

Speaking on behalf of all of our folks here at WPC, we are very much excited about the opportunities before us, and our establishing a good, long and mutually beneficial business relationship.

Again, please accept my apologies for the delay, and I am looking forward to hearing from you at your earliest convenience.

In the meantime, if you have any questions, please do not hesitate to give me a call.

Very truly yours,

  
Jerry Williamson  
Chairman of the Board

enclosures

cc: Jesse Williamson, WPC  
Bill Davis, WPC  
Bob Emrick, WPC  
Jim Johson, WPC  
Steve Garner, PRI  
Steve Baker, PRI

Δ π EXHIBIT 18	
Deponent	DAVIS
Date	11/17/00
Prtr.	20
WWW.DEFOBOOK.COM	

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PRI 00637



# Williamson Printing Corporation

6700 Denton Drive • Dallas, Texas 75235 • (214) 904-2100

June 12, 1995

Mr. John Bird  
Product Manager  
Printing Research  
10954 Shady Trail  
Dallas, TX 75220

Re: Letter of Agreement and Understanding

Dear John:

As promised in my letter of May 30, regarding the above referenced, I will attempt to address the issues set forth in your letter to me dated May 12, 1995. I will address them in the order in which you have outlined in your letter.

Please note my suggestions for the final draft of the Letter of Agreement and Understanding between Printing Research, Inc. (PRI) and Williamson Printing Corporation (WPC), as follows:

1. **EZ Interstation Flexo Printer/Coater**

- A. Lithoflex - Although your statement is correct, and presents no objection from us, our patent and copyright attorney has advised us that the term "Lithoflex" is already being used by another company.
- B. GAM and GATF - We choose not to participate as you have outlined at this time, for we feel it is somewhat premature, and would not be in our best interest. Consequently, we have declined to participate in the GATF Sheetfed Conference panel.
- C. Super Blue EZ Interstation Flexo Printer/Coater (EZI) - The first such unit which has been installed on the CD 7+L press, is an experimental model that should not count as being one of the units involved in our transaction. We believe that the agreement we reached calls for the first, final design, of the EZI, including all its final features, was suppose to be installed on the 6/C CD 6+LYL, at no charge with the expected installation time to be mid-August 1995. The second such unit, final design, including all final features, etc., is to be offered to WPC at one-half of the list price, as soon as possible. This is the way we understood the agreement, and hopefully this clarifies any misunderstanding.

page 1 of 3

CONFIDENTIAL

June 12, 1995

page 2 of 3

Re: Letter of Agreement and Understanding

Apparently the WPC PO 3315 that has been issued in your favor, should read "no charge."

- D. Exclusivity Agreement - I will address this document and make my comments on a separate attachment, as it has been presented by you. Basically, I believe we originally discussed having more time than you have indicated.

2. Heidelberg Speedmaster CD 6+LYL (Press #3)

- A. Gloss Readings - It is my understanding that several changes have been made and tested this past weekend, Saturday and Sunday, June 3 and 4, and we have seen some improvement in the "gloss back." However, we are still not achieving our expectations, and it is not performing at an acceptable level, such as achieving expected press speeds, etc.
- B. UV Lamps - Since your PRI document was written on May 12, 1995, further developments have taken place which change the possible plan of action to achieve the minimal spray powder contamination and sheet flutter effects.

In the June 3 and June 4, 1995 testing, we added 4 lamps in the lower horizontal aperture of the extended delivery. At this time, it is not clear what needs to be done to achieve curing of the total sheet surface at maximum press speeds with no spray power contamination.

We will continue working together to achieve this goal.

3. Heidelberg Speedmaster CD 8+L (Press #5)

- A. Ordered "UV" Ready - This press has been ordered as suggested.
- B. PRI Proposal to WPC - After we have achieved a "successful test," PRI is to furnish WPC with a proposal, including attractive, discounted prices.

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PRI 00639



June 12, 1995

page 3 of 3

Re: Letter of Agreement and Understanding

4. Web Offset 38 Inch UV Coating System

- A. PRI is to arrange a visit for WPC to Sheffer's installation - We agree.
- B. PRI Is To Prepare A Proposal For Joint Sheffer/PRI Coater Package - We agree.

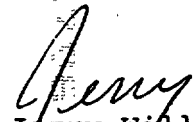
As indicated above, enclosed please find the attachment addressing our "Exclusivity Agreement," for your review.

I hope my comments will be well received, and integrated into our final draft.

In the meantime, we, too, look forward to a continuing successful business relationship.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,



Jerry Williamson  
Chairman of the Board

JBW:db

cc: Jesse Williamson, WPC  
Bill Davis, WPC  
Bob Emrick, WPC  
Jim Johson, WPC  
Steve Garner, PRI  
Steve Baker, PRI

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PRI 00640

June 12, 1995

EXCLUSIVITY AGREEMENT

Williamson Printing Corporation (WPC) and Printing Research, Inc. (PRI) have entered into an agreement for the Super Blue EZ Interstation Flexo Printer/Coater (EZI), and the purpose of this document is to set out the perimeters of that agreement, including the granting of "Exclusive Rights" between the parties.

A brief description outlining the terms of this agreement is set out as follows:

1. PRI agrees to manufacture and supply to WPC one EZI at no cost to WPC. This unit shall not be an experimental unit, but one that has been developed to final form, tested, approved for commercial operation and accepted by WPC. PRI grants WPC "exclusive rights" to this unit within the terms and conditions set out here below. ✓
2. These "exclusive rights" mean that, with respect to EZI, PRI will not <sup>can sell</sup> sell, supply, assist or, help to install to or for any other commercial printing company, engaged in commercial printing, within the territorial markets, and during the time frames as set out here below:
  - A. National Market - This market is to include all of North America, including Canada, Mexico and the U.S., and WPC is granted these "exclusive rights" for a period of one year, beginning from the date the referenced EZI has been accepted by WPC. 1 month
  - B. Regional Market - This market is to include Texas and the continuous states, Louisiana, Arkansas, Oklahoma, New Mexico, and, also to include the states of Arizona and Colorado, and WPC is granted these "exclusive rights" for a period of two years, beginning from the date the referenced EZI has been accepted by WPC. 12 months
3. PRI will not accept an order, <sup>can sell</sup> ~~sell~~ or install the EZI during the "exclusive rights" time period as set out above, by installing the EZI on a printing unit located before, or ahead of, the last printing unit of the press.
4. The "exclusivity agreement" shall exclude those printing firms that are exclusively in the market of producing "folding cartons," "labels," and "greeting cards." This will represent an exception to the "exclusivity rights" as granted WPC from PRI.

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PRI 00641

June 12, 1995  
page 2 of 2

EXCLUSIVITY AGREEMENT (cont.)

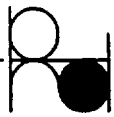
5. PRI agrees to grant WPC "exclusive rights" for producing products identified and defined as "trading cards" and "pogs," for a period of ten years, and covering a world-wide territory. *include in 2*
6. Should PRI desire revisions to the terms of this agreement, it shall request such revisions in writing to WPC, and WPC agrees to respond to such a request on a timely basis, and not withhold approval unreasonably. ✓
7. Should either party violate the terms of this agreement, the party guilty of the violation shall pay the other party liquidated damages in the sum of \$250,000. Such liquidated damages shall be paid in U.S. dollars at the home office of the appropriate party in Dallas, County, Texas, within thirty days of receiving written notice of such violation. *find a way to cover*
8. Should any disagreement arise out of this agreement, and the parties cannot reach an agreeable settlement, or an acceptable understanding, both parties agree to have a third party, unbiased arbitrator, chosen to settle the issue/issues. After such arbitration, if the parties still remain in disagreement, and legal action is required, the jurisdiction for such legal action shall be an appropriate court located in Dallas, County, Texas. ✓

*Back by 21st August*

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PRI 00642





**Printing Research, Inc.**  
 10954 Shady Trail  
 Dallas, TX 75220 USA  
 214-353-9000

Date of Demonstration  
**FEB. 13 - WEEK OF.**

Today's Date: 1/19/95 Demo Date: 2/13-2/7 2nd Choice:        3rd Choice:       

**DEMONSTRATION INFORMATION**  
 (To be completed by Sales Rep when arranging for demo)

CUSTOMER:	Equipment to be Demonstrated
Company: <u>Williamson Printing Co.</u>	EZB <input checked="" type="checkbox"/>
Contact: <u>Bill Davis</u>	PBC <input type="checkbox"/>
Attendees: <u>Bill Davis</u>	HV <input type="checkbox"/>
Address: <u>6700 Denton Drive</u>	BacVac <input type="checkbox"/>
City, State, Zip: <u>Dallas, TX 75235</u>	AB I <input checked="" type="checkbox"/>
Phone: <u>(214) 904-2160</u>	CUV <input type="checkbox"/>
Fax: <u>      </u>	SB <input type="checkbox"/>

**PURPOSE: Goals and Objectives**  
 What does the customer want to achieve? Running new Silver Gold & White. Provided by Williamson at 15-20 sec. #3 Zahn (Drying Ability Retarded). PRI - To supply banded rubber anilox roll. Band range to be determined by D3 & Terry.

**PROCEDURE: To achieve Goals and Objectives**  
 How? Plate and Blanket, Coating with existing relief plates. Flexo (Printings)

**EQUIPMENT AND MATERIALS:**

All demonstrations are performed on the Heidelberg 102ZP.

Materials	PRI Supplied	Customer Supplied	Manufacturer/ Product Type
Film:	<input type="checkbox"/>	<input type="checkbox"/>	<u>PRI to supply new banded rubber anilox roll.</u>
Plates:			
Litho	<input type="checkbox"/>	<input type="checkbox"/>	
Relief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>In-house - Dupont</u>
Coating:			
Aqueous	<input type="checkbox"/>	<input type="checkbox"/>	
UV	<input type="checkbox"/>	<input type="checkbox"/>	
Other (Explain)	<input type="checkbox"/>	<input type="checkbox"/>	
Ink:			
Litho	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Flexo (Water-based) Gold, Silver &amp; White</u>
UV	<input type="checkbox"/>	<input type="checkbox"/>	
Dampening Solution:	<input type="checkbox"/>	<input type="checkbox"/>	
Substrate:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**EXHIBIT 19**  
 Deponent: DAVIS  
 Date: 1/17/00 Rptr: JC  
 WWW.DEPBOOK.COM

Size: \_\_\_\_\_ Weight: \_\_\_\_\_ **CONFIDENTIAL**

See reverse side for results of demonstration and additional comments.

- Distribution:
- |  |                                       |                             |
|--|---------------------------------------|-----------------------------|
| <input type="checkbox"/> Front Desk Calendar | <input type="checkbox"/> Sales Person |                             |
| <input type="checkbox"/> JB                  | <input type="checkbox"/> SG           | <input type="checkbox"/> AB |
| <input type="checkbox"/> TB                  | <input type="checkbox"/> MB           | <input type="checkbox"/> LN |
| <input type="checkbox"/> ES                  |                                       | <input type="checkbox"/> WB |
| <input type="checkbox"/> DD                  |                                       |                             |

PRI 00673

Sales Person Steve Baker

CONFIDENTIAL

WILLIAMSON TEST INK 1-30-95

MD-BOTH \ METALLIC PIGMENT  
RDX-2021 GOLD WATER BASED INK  
LOT #1.062525  
(FOR PRI)(REQUEST #38)  
VIS. 30 SEC. #3 ZAHN  
FLINT INK \ ARROW PACK WHITE  
RSW3243838 35# NET  
LOT #19363 DATE 1-13-95  
VIS. 24 SEC. #3 ZAHN  
FLINT INK \ GLYCOL ETHER EP  
MIXING DIRECTIONS: 50% WATER + 50% GLYCOL ETHER

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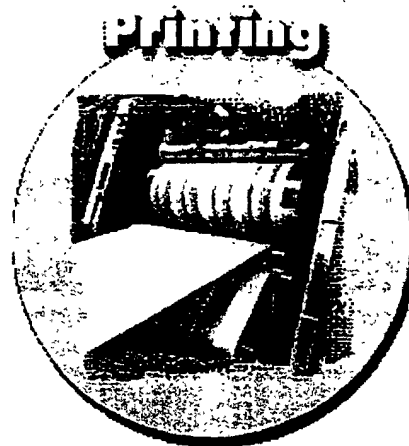
PRI 00674

7((

THE QUEEN

20

Like Williamson prepress, our printing plant has only the finest in equipment and personnel. Our pressmen understand the subtleties involved in producing a superlative printed piece. And we offer a variety of presses, so a job can be matched to the press that will deliver the best possible result. This versatility is enhanced by our ingenuity. At Williamson, we know that "state-of-the-art" is a very temporary condition. If we wish to remain at the forefront of printing excellence, we must not patiently wait for others to provide us with new techniques or equipment. So we've used our insight and experience to develop those innovations ourselves. And these innovations continue to expedite job production and improve overall printing quality.

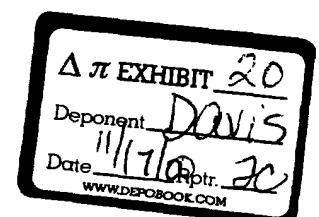


[Departments](#) | [Innovations](#) | [Proofs Online](#) | [Samples](#) | [Info](#)  
[Contact Info](#) | [Home](#) | [Exit](#) | [Group Companies](#) | [Breakshow](#)

Williamson Printing Corporation  
 6700 Denton Drive  
 Dallas, TX 75235

1-800-843-5423  
 (214) 904-2100  
 FAX: (214) 352-1842

[postmaster@wpcnet.com](mailto:postmaster@wpcnet.com)





11/17/2000 3:42:52 PM

Fuller & Associates  
Incorporated

ASCII FILE  
Printing Research, Inc., et al  
VS  
Williamson Printing Corp., et al

WITNESS NAME: Bill Davis  
TAKEN ON: November 17, 2000  
TAKEN BY: Christina Cheatham, CSR  
FILE NAME: 1117davi.txt

5260 Renaissance Tower 1201 Elm Street Dallas, Tx 75270  
214 744.1250 Fax 214. 744.1252